

INFORMATION LETTER

Not for
Publication

NATIONAL CANNERS ASSOCIATION

For Members
Only

No. 964

Washington, D. C.

December 11, 1943

Processors' Conference Is Postponed

The Administrative Council of the National Canners Association has directed postponement of the Processors' Conference which previously had been set for the week of January 9.

This action resulted from developments since the meeting of the Administrative Council in November which indicated that government agencies in charge of various phases of the 1944 processed food production program would be unable to have their plans and regulations in shape for presentation at a meeting at that time.

The Association will promptly advise canners when a new date is set for the conference, and they will be given information on the arrangements for handling room reservations so that they can make requests for such accommodations as they may desire.

The Association's Committee on Planning for 1944 Production will continue its work, the results of which will be submitted to the industry through the INFORMATION LETTER or special bulletin.

The Association will also communicate to the industry promptly such information as may become available from any of the government agencies that complete their parts of the 1944 program.

NEW PRICE FORMULAS ESTABLISHED BY OPA

Amendment 19 Prescribes Ceilings for
Several Products and Makes
Changes in MPR 306

Formulas by which processors determine their maximum prices for canned sweet potatoes, maraschino cherries, mushrooms, and dried prunes and prune products, are established in Amendment 19 to Maximum Price Regulation No. 306, issued December 9, by the Office of Price Administration, to become effective December 14. Maximum prices for the aforementioned products will be higher than those now in effect, the increases being due to increased raw material and other costs, according to the OPA press release accompanying text of the amendment.

The Association has been advised that Amendment 19 is to be included in a complete collation of MPR No. 306, copies of which will be mailed to canners next week, along with 15 copies each of the form for reporting 1943 ceiling prices. Additional copies will be available at regional OPA offices, it was stated.

There follows a characterization by OPA of several changes in MPR No. 306 that are contained in Amendment 19:

Canned sweet potatoes originally were placed under a "freeze" at their March, 1942, "high" and there was no revision of this last year, because of a limited supply of tin available for canning this product. With an increased amount of tin now made available by the War Production Board, OPA has provided for pricing this commodity through a combination of the formula which was used to price canned vegetables in 1942 (Maximum Price Regulation No. 152) and that which was used to price canned vegetables under MPR 306. The maximum 1943 raw material cost allowed for use in this combination formula is 90 cents a 50-pound bushel.

Canned mushrooms also were under the March, 1942, "freeze" and the pricing method is the same as sweet potatoes, with \$1.50 per three-pound basket allowed as the maximum 1943 raw material cost.

To price brined cherries at the processor level, OPA combined the formula of the 1942 regulation for packed fruit—MPR No. 185—and that in MPR 306.

VINSON DIRECTIVE TO COMMODITY CREDIT CORPORATION RAISES DIFFICULT LEGAL AND ACCOUNTING QUESTIONS

Relief Under Hardship Clause Tied to
Profit Limitations; Repudiates
OPA Price Commitment

On December 4, 1943, the War Food Administration issued an announcement based on a directive of that date by the Director of Economic Stabilization, Fred M. Vinson. The text of this announcement, together with the two earlier directives which it amplified, was published in last week's INFORMATION LETTER.

An understanding of the legal and accounting problems raised by this Directive requires a review of the precise facts concerning the earlier commitments of the Office of Price Administration to reflect in the 1943 ceiling prices increased packing costs resulting from wage increases authorized by the War Labor Board.

It will be recalled that after prolonged delay, and following Congressional intervention, the OPA, between March 24 and April 7, issued the 1943 regional flat prices covering the civilian sale of canned peas, tomatoes, corn, and snap beans. In issuing these ceiling prices, Prentiss M. Brown, then Price Administrator, re-

peated in his formal Statement of Considerations the informal commitments by OPA officials which had been made throughout the country to regional meetings of canners. In the Statement accompanying the canned pea prices, published March 24, 1943, the Administrator stated:

"The maximum prices in the accompanying amendment were therefore based upon the cost of peas for processing during the 1942 season, by regions. To this cost was added the cost of processing, including such items as overhead, packing materials, labor, advertising and selling expense, plus a reasonable margin to the processor. The costs used in computing such prices were 1942 costs, adjusted for known increases. Labor cost was computed on the basis of 1942 rates. Adjustments of maximum prices will be made to reflect the increased cost of labor in the event that regional labor rate increases are granted by the War Labor Board."

In addition, the statement set forth that the maximum prices established, without taking into account the 1943 authorized wage increases, were generally fair and equitable under Section 2 of the Emergency Price Control Act (Continued on page 7971)

The maximum allowable 1942 raw fruit cost increase over 1941 is \$56 a ton and the maximum allowable 1943 increase over 1942 is \$40 a ton.

A formula for pricing maraschino and glace (or drained) cherries also is established in Amendment 19. The processor of these two commodities simply subtracts from his maximum price under the March, 1942, "freeze," the 1942 weighted average cost of brined cherries per dozen containers, or other unit of sale, and then adds to the result his 1943 brined cherry cost for the same unit.

Another important change requires all packers who price under any of the formulas in the regulation to report their maximum prices to OPA by December 31, 1943.

In the case of two commodities—freestone peaches and cherries—the regulation is amended to make it plain that it covers fruits, no matter how packed. In every other case, the regulation refers to "packed." In these two instances, the word "canned" had been used inadvertently.

Amendment 19 also establishes for the first time processors' maximum prices for No. 2 cans of turnip and mustard greens. When these greens were first priced under MPR 306, No. 2 cans were not available to the processors. They now have been released by WPB. The maximum price for a dozen No. 2 Grade A (or Fancy) cans of turnip or mustard greens, is, for example, 95 cents. This is in line with prices previously established for Grade A in other size containers as are also the maximums for No. 2 cans in other grades.

Another change is to the adjustments allowed in processors' sales to government procurement agencies

where the pack is subsidized by the Commodity Credit Corporation in civilian sales. This change is in line with recent amendments to CCC's purchase and resale contracts and brings OPA's regulation into line with those contracts.

Wyoming is added to the list of States in which canners are allowed to adjust their maximum prices in view of wage increases allowed by the War Labor Board. The factors to make these adjustments are provided, by crops, in the regulation.

The amendment gives a specific definition of what constitutes blended peas and blended snap beans. Under the new definition, processors are restricted, for example, to having no more than 10 per cent of the can's contents of sieve sizes larger than those declared in a blend of two sieve sizes.

Canners of Fancy whole tomatoes are granted a schedule of premiums over the maximum prices allowed for Fancy tomatoes. These are 7½ cents per dozen for No. 2 cans; 11 for No. 2½'s; 37½ for No. 10's.

Similarly, an additional 10 cents per dozen No. 2 cans has been added for center cuts of asparagus over the maximums already established for certain areas in the regulation.

Another change corrects an error in the statement of the raw material cost figure which processors of plums may use in figuring maximum prices on the basis of a formula already provided for them in the regulation. Originally, the regulation had set this raw material cost figure at \$55 a ton for all States. It now is \$55 for California, Oregon, Idaho and Utah, with processors in all other States required to use their 1942 cost.

ing of, or in canning or packing, perishable or seasonal fresh fruits or vegetables, or in the first processing, within the area of production (as defined by the Administrator) of any agricultural or horticultural commodity during seasonal operations.

In the exempt workweeks no overtime need be paid employees whose work is confined to the operations described above or to occupations that are a necessary part of such first processing, canning, or packing operations, and who work exclusively in those portions of the premises where first processing, canning, or packing is carried on by their employer.

2. *Partial exemption, up to 12 hours a day or 56 hours a week, from the overtime requirements of the Act only, for not more than 14 workweeks in the calendar year. (Section 7(b)(3))*

This exemption applies to employees in industries found by the Administrator to be seasonal in nature and permits the employment for an additional 14 workweeks in the calendar year of employees in the industries engaged in handling, packing, preparing in the raw or natural state, storing, first processing, and canning of perishable or seasonal fresh fruits or vegetables, without payment of overtime compensation for hours in excess of 40 in a workweek, provided time and a half is paid for hours in excess of 12 a day or 56 in a workweek.

3. *Complete exemption from the minimum-wage and overtime requirements of the Act for certain employees employed in the area of production. (Section 13(a)(10))*

This exemption applies to any individual employed within the area of production (as defined by the Administrator) and engaged in handling, packing, storing, canning, preparing in their raw or natural state, or drying or agricultural or horticultural commodities for market.

WAGE POSTER DISPLAY PROVISION TEMPORARILY WAIVED

Meantime, Wage Officials Are Preparing Supplement which Will Include Exemptions from Overtime

Requirement that the 40-cent minimum wage poster for the canning industry be displayed has been waived pending distribution of a supplement spelling out industry exemptions as to overtime pay. L. Metcalfe Walling, Administrator of the Wage and Hour Division of the U. S. Department of Labor has announced.

Waiver of the posting requirement does not in any way relieve employers of the responsibility for paying all covered workers 40 cents an hour from the effective date of the wage order, October 18, 1943.

Issuance of the supplement on overtime exemptions follows a plea from canning representatives that the poster as distributed caused confusion even

though it stated that all covered employees, "shall be paid at least 40 cents an hour on and after October 18, 1943, and at least time and one-half his regular rate for overtime after 40 hours a week, except employees that may be exempt under the provisions of the Act." The supplement will read:

Exemptions Provided by the Act

Employees engaged in interstate commerce or in occupations necessary to the production of goods for interstate commerce in the canned fruits and vegetables and related products industry may come under one or more of the following exemptions:

1. *Complete exemption from the overtime requirements of the Act only, for not more than 14 workweeks in the calendar year. (Section 7(c))*

This exemption applies to employees in any place of employment where their employer is engaged in the first process-

Nearly Million Cases Tomato Catsup Released to Civilians

Civilian supplies will be augmented soon by nearly a million cases of tomato catsup, the War Food Administration announced on December 6. The catsup is being released from the contingency reserves held and owned by canners, but set-aside for government use, under terms of the reservation order.

This release, the second to be made recently of this product, will make available to the civilian trade an additional 900,000 cases of catsup (basis No. 2 cans). This will make a total of 1,800,000 cases which have been released during the past month from government set-aside reserves, WFA stated.

VINSON DIRECTIVE TO CCC

(Continued from page 7969)

of 1942 as amended. This meant that, in the judgment of the OPA, these prices, without reflecting such increased costs, afforded a generally fair and equitable margin for processing.

An identical commitment—that the prices would be increased to cover authorized advances in wage rates—was made over Mr. Brown's signature in the issuance of prices for civilian sales of canned tomatoes on March 27, 1943, canned corn on March 31, 1943, and canned snap beans on April 7, 1943.

After considerable further delay, wage increases were authorized by Director Vinson. (See INFORMATION LETTER No. 936, May 29, 1943, page 7681; Supplement to INFORMATION LETTER No. 939, June 19, 1943.)

On the basis of the representations made by Price Administrator Brown and other OPA officials, the pack of the four principal vegetables and of the major fruits was planned, and contracts for raw material, as well as for other supplies, entered into.

On June 14, 1943, Director Vinson issued a press release and Directive which provided that these increased costs resulting from authorized wage increases should be recognized in ceiling prices for government sales but not in the price of sales of these canned foods to civilians. The additional costs on civilian sales, he said, would be absorbed by the Commodity Credit Corporation pursuant to some method which might be worked out and later approved by him. In recognizing that this was a repudiation of the previous commitment, Mr. Vinson stated:

"Today's determination is in accordance with the President's 'Hold the Line' order of April 8, 1943. Prior to that time it had been announced that ceiling prices for all processed vegetables would be adjusted to compensate for approved wage increases. This previously announced policy would result in higher consumer prices for essential cost of living items—a result inconsistent with the 'Hold the Line' program."

Following this Directive, the OPA announced on July 5, 1943, that the 1943 ceiling prices would not be increased. Price Administrator Brown stated:

"(d) *Approved Wage Increases.* In certain instances the accompanying amendment provides a method for adjusting the maximum price to reflect wage rate increases approved by the Office of Economic Stabilization. For corn, peas, snap beans, tomatoes and tomato products, wage rate increases incurred for that portion of the pack

sold to persons other than government procurement agencies are to be subsidized, if necessary, by the Commodity Credit Corporation. However, for sales of those items to government procurement agencies . . . specific increases are provided."

A similar announcement was made on July 30 in the Statement of Considerations accompanying the issuance of ceiling prices for canned peaches and canned pears. This followed the further Directive of Mr. Vinson issued June 30, 1943, applying the principles of the earlier Directive to canned and frozen fruits. (See INFORMATION LETTER No. 983, December 4, 1943, page 7967.)

The allowances made to reflect these increased labor costs for government sales range from 2 to 4½ per cent of the previously issued government ceiling prices. These percentages reflect the minimum increased costs arising from authorized wage increases. They indicate the minimum amounts by which the ceiling prices for civilian sales on these products fail to reflect such increased costs.

Following the two directives of June 14 and June 30, meetings were held with representatives of the canning industry. These representatives took the position that the commitments made by the OPA should be honored and that the CCC should, upon proper application, reimburse the canner on his civilian sales in the same amount that the OPA had allowed on government sales for these increased costs.

As already noted, after very great additional delay, and after all of the packs had been completed, Director Vinson issued the further Directive of December 4. This provides that the amount of increased labor cost should be measured by the amounts allowed by the OPA for sales to the government. But it directs that reimbursement should not be completely made but only

"to the extent that the net returns prior to income taxes of the processor's 1943 income tax year falls below 4% of sales of food products and [or] 6% of that part of the processor's net worth applicable to food processing. . ."

As originally issued, the Directive used the term "and". It is understood that this should read "or"; and that the intended meaning of this ambiguous paragraph is that the measures of the 4 per cent on sales and 6 per cent on net worth during the 1943 tax year shall both be applicable and that the limitation on reimbursement is to be based on whichever of these percentages results in the lowest amount of reimbursement.

A further limitation is that if the salaries of the corporate officers or owners of the canneries have been increased by more than 10 per cent of their average 1936-1939 salaries, the amount of any such excess is to be deducted from the amount of reimbursement which may be paid by the CCC.

Meaning of Directive

The Directive of December 4 appears in some respects to be as ambiguous as the earlier directives. As indicated, the limitation on the amount of reimbursement which the CCC may make to any processor is to be determined by both the 4 per cent profit on sales test and by the 6 per cent return on net worth test, whichever results in the canner receiving the least amount of reimbursement.

Practically, this means that no canner may receive any reimbursement until sometime after the end of his fiscal year covering the 1943 pack. Fiscal years of canning companies end anytime between January 1 and June 30. Final determinations as to the year's showing take further time, and it will be only when such final accounts are available that any canner will be in a position to make the application now authorized. The CCC contract contemplates (Par. 9(a)(iii)) that final settlement for raw material is to be made by March 31, 1944. The so-called "Hardship Clause" (Par. 10(b)) does not indicate when applications may be filed. The obvious effect of this new Directive is to require that two sets of applications for reimbursement, one covering raw material and another covering these labor increases, be prepared.

In the case of canned peaches and canned pears, however, there is no existing CCC contract, and until some new arrangements are made, no formal provision exists for such application. The Directive specifies that such fruit canners shall be given "a reasonable time within which to apply," which probably will mean a reasonable time after the end of their tax year.

The Directive is likewise ambiguous in failing to indicate precisely how net worth is to be determined where the processor engages in operations other than canning. Apparently he is to value the assets which he employs in food processing. Intricate accounting questions may arise in the application of this provision. Since the 6 per cent limitation applies in all cases, this will mean that such allocations will be necessary whenever a processor engages in operations not directly connected with "food processing." It is likewise not at all clear whether a canner who engages in growing his own raw mate-

rial is to be required to segregate the assets which are to be attributed to his farming operations and those which are to be attributed to processing alone. The CCC may take the position that audits are necessary for the verification of applications in such cases.

The Directive is completely clear, however, as to its principal limitation: Even though no adequate reflection of increased costs has been made in the ceiling prices for these major canned vegetables and fruits, reimbursement will be denied if on all of his operations in "food processing" the canner has made more than 4 per cent on sales or 6 per cent on employed net worth. It is not readily apparent why reimbursement with respect to canned peas, corn, beans, tomatoes, peaches and pears should be denied where the canner, through efficiency or seasonal circumstances, has made over 4 per cent in the canning of other commodities, or in any other food processing operation. Obviously, a penalty is indirectly imposed on those cannery who have endeavored to pack more than these so-called major vegetables, to the extent that their operations on other vegetables are successful and their operations on the six major products result in loss.

Nor is there any consideration given in the Directive to the extent to which the canner employs borrowed money in his operations. For example, if in his entire food processing operations, a canner has \$100,000 worth of sales, the 4 per cent limitation would limit his reimbursement to \$4,000. If, however, he employed only \$40,000 of his capital and utilized borrowed money for the remainder, his reimbursement would be limited to \$2,400, which is 6 per cent on the net worth employed in the business.

Moreover, the 4 per cent on sales and 6 per cent on employed net worth limitations are before taxes. With current tax rates, the amounts which might be left would be substantially less than the percentages set forth in the Directive.

Legal Effect of Directive

It is very doubtful whether under the existing CCC contract and this Directive, any processor could establish a legal right to obtain reimbursement in any amount. The so-called "hardship clause" of the CCC contract provides that the payments are to be made in the discretion of the Corporation in such amounts "as it determines to be appropriate." As already noted, in the case of canned peaches and canned pears, there is no contract with the CCC in existence.

The effect of the Directive of December 4 upon the validity of the OPA price ceilings covering civilian sales raises a number of difficult legal questions. It already has been noted that the Price Administrator in first issuing such ceiling prices in MPR 306 found on the basis of 1942 labor costs and without including 1943 increases, that these prices were generally fair and equitable and allowed a generally fair and equitable margin for processing. It would seem that if a generally fair and equitable margin was allowed, without taking into account the 1943 wage increases, the margin has been reduced by the amount of these increased labor costs. These run from 2 to 4.5 per cent of the original civilian price ceilings. To the extent that the CCC fails to reimburse a processor for such increased costs, it would appear that a fair and equitable margin for processing has not been allowed as required by law.

In the first place, there appears to be no specific or implied authority in the Price Control Act for requiring a manufacturer to make an application for relief to some other Federal agency in order that the statutory requirement of a fair margin may be realized.

Second, the basis upon which the Directive proceeds—namely, that no one is entitled on his entire food processing operations to make (before taxes) more than 4 per cent on sales or 6 per cent on net worth employed—does not appear to be authorized anywhere in the Emergency Price Control Act or in the amendatory statute enacted October 2, 1942.

The apparent theory of the OPA and of the CCC is that Director Vinson is acting under Executive Order 9250, issued October 3, 1942, which provides in Title V, under the heading "Profits and Subsidies" that

"1. The Price Administrator in fixing, reducing or increasing prices, shall determine the price ceilings in such a manner that profits are prevented which in his judgment are unreasonable or exorbitant."

In other words, the action of Director Vinson is tantamount to his concluding that in the food processing industry any return (before taxes) in excess of 4 per cent on sales or 6 per cent on employed net worth is an "unreasonable or exorbitant" profit. On the other hand, this same Executive Order 9250 is issued pursuant to the Act of October 2, 1942. Section 2 of that statute specifically provides that

"In the fixing of maximum prices on products resulting from the processing of agricultural commodities . . . a gen-

erally fair and equitable margin shall be allowed for such processing."

Consequently, the action of Director Vinson must be taken to mean that in his judgment a return limited to 4 per cent on sales and 6 per cent on net worth employed (even though employed in processing some other commodity) constitutes a "fair and equitable margin" for processing these particular fruits and vegetables.

In this connection it already has been noted that these percentages are computed before taxes, so that the net return after taxes would be considerably less.

In short, the Directive of December 4 reveals clearly, and probably for the first time, the Administration's theories as to profit limitation. These obviously derive from Executive Order 9250 and are not specifically set forth in any statute. Indeed, there is some doubt as to whether this application of Executive Order 9250 is not in itself inconsistent with Section 3 of the Act of October 2, 1942.

There is grave question whether under this part of the Act of October 2 whether a fair margin for processing one commodity such as corn, tomatoes or peaches, can be reduced because a processor has achieved a higher profit than 4 per cent in the manufacture and sale of some other food.

Where cannery previously have filed timely protests to any of the OPA ceiling prices to which this Directive will apply, it will be open to them to raise these questions during the course of such proceedings. The 60-day period for the filing of protests to Amendments 9 and 11 to MPR 306, which contained the latest revision of prices for the affected vegetables and fruits, already has expired.

Where cannery have not previously filed protests within the required 60 days after the issuance of price ceilings, the further question remains whether the publication of the Directive of December 4, 1943, constitutes a basis for filing a protest with the OPA at this time. Section 203(a) of the Emergency Price Control Act provides that a protest may be filed "based solely on grounds arising after the expiration" of the 60-day period following the issuance of a price regulation.

The argument might reasonably be made that up to the time the Directive of December 4 was issued, it had not been definitely determined that the previous commitment would be repudiated and that the limitations now proposed would be applied. Historically, industry representatives had vigorously continued to urge that reimbursement be made, without limitation, to the full

amount that these increases have been reflected in prices for government sales. On this basis, the Directive of December 4 might properly be regarded as a final determination that the fair margin which is required by law to be reflected in OPA ceiling prices, will be administratively limited by these profit percentage factors now announced.

The legal issue thus raised would be whether the OPA has complied with the requirement of Section 3 of the Act of October 2, 1942, which amended the Emergency Price Control Act, to provide that a generally fair and equitable margin must be allowed for the processing of any agricultural commodity.

The Directive of December 4 requires the CCC to examine the overall profits before taxes (computed on the basis of sales or return on net worth, whichever is lower) derived from all food processing operations. Thus, a canner who suffers a loss or receives an inadequate margin in the packing of peas, but who made a profit on some other agricultural commodity or other food processing operation, resulting in either a 4 per cent return on all of his sales or a 6 per cent return on the entire employed net worth, is denied any relief under the "Hardship Clause" of the CCC contract.

Director Vinson also controls the activities of the OPA pursuant to Executive Order 9250. The combined effect of his directives both to the OPA and the CCC means that, in the circumstances described, the Corporation will not reimburse the canner for his loss in processing the particular agricultural commodity, and the OPA will feel obliged to follow the directive by failing to bring the margin for processing such vegetable up to a fair and equitable level.

The Directive means, in effect, that loss in processing any of the four major vegetables will be disregarded. The margin which any canner is allowed on his civilian sales of these canned products has now been determined to be controlled by what he makes or loses on sales of other food products. If this rule is applied, it is difficult to see how a fair and equitable margin has been allowed for processing the specific four major vegetables or canned peaches and pears.

On this basis it would seem that under the applicable provisions of the Price Control Act, it is legally appropriate for any canner affected by the Directive of December 4 to file an immediate protest with the OPA on the ground that the failure to include these increased 1943 processing costs result-

ing from authorized wage increases, and the issuance of the Directive, renders the ceiling price on the affected canned vegetables in violation of the Act of October 2, 1942, in that requirement of that law for a "generally fair and equitable margin for processing" these particular fruits and vegetables, has not been met. Since the OPA itself has stated that the original ceiling prices allowed a fair margin on the assumption that they would later be increased by the amount of these increased costs—which have now been limited—the basis for any protest would rest largely on these published OPA statements.

Any protests filed with the OPA must be filed by individual companies, and the responsibility for their prosecution must rest with the individual protestants. Since the protest relates to the pricing of the 1943 pack, only those who still have portions of that pack remaining unsold are technically in a position to protest.

All protests are required to be filed with the Secretary of the OPA. Five verified copies must be filed. Each protest must refer specifically to the particular canned fruit or vegetable involved, to the amendments to MPR 306 which first fixed and later amended the ceiling prices for civilian sales, and to the Directive of December 4 which constitutes the new grounds upon which the protest is based. Undoubtedly, the 60-day period for filing will be deemed to run from December 4, 1943, the date on which the Directive was issued.

It is not unlikely that the OPA will initially disagree with the grounds upon which such protests may be filed. It may take the position that the issuance of the Directive does not constitute an adequate new ground for protest. In addition, it may contend that the combined effect of both the lower civilian ceiling price and the limitations in this Directive are not in violation of the statute.

Discriminatory Character

Finally, the Directive of December 4 appears to be clearly discriminatory. All subsidies to date have been imposed without reference to over-all profit. The butter subsidy is measured by monthly production in pounds, and is payable monthly irrespective of profits realized on the production of butter. The payment of the butter subsidy likewise is not conditioned on profits realized from other food manufacturing operations. The recently announced flour subsidy follows this same pattern and provides for monthly payments per bushel of wheat processed without

any reference to the financial condition of the miller, his profits upon such milling, or his return from any other food manufacturing activity. Likewise, the subsidy payments for dairy feeds are made without any conditions such as those contained in the Directive of December 4. The canning industry alone appears to have been selected for the initial application of the legal theories implicit, and the 4 and 6 per cent profit limitations (before taxes) which are expressed in that announcement.

Price Differentials Adjusted Between Canner Beef Grades

A differential between the wholesale price for carcass beef of canner and cutter grade and the wholesale price for boneless beef for use as Army canned meat has been corrected by the Office of Price Administration, effective December 13, through the issuance of Amendment 35 to Revised Maximum Price Regulation No. 169. This was effected through a reduction of 25 cents per hundred pounds in the maximum price for carcass beef of cutter and canner grade, forequarter and hindquarter derived from cutter and canner grade, and for kosher forequarter derived from carcass beef of cutter and canner grade.

Last July the carload discount of 50 cents per hundred pounds on which the differential between the two types of beef was based was cut to 25 cents per hundred pounds. This narrowed the margin between cutter and canner grade carcasses and boneless beef for Army canned meat to an extent that was not justified by cost data. However, the price for boneless beef for Army canned meat was considered fair and in proper relationship to prices already established for a large number of processed beef items. This normal relationship would have been destroyed had the boneless beef price been raised to increase the spread between cutter and canner grade carcasses and boneless beef.

Amendment No. 35 also permits an additional charge of 25 cents per hundred pounds on sales of boneless beef for Army canned meat where the seller uses V-1 Army fiber boxes meeting government specifications.

Pickle Packers To Meet

The 51st annual meeting of the National Pickle Packers Association will be held at Hotel Stevens, Chicago, on January 13 and 14.

Sweet Corn Pack for 1943

The 1943 pack of canned sweet corn totaled 29,798,231 actual cases, according to figures compiled by the Association's Division of Statistics. On the basis of 24 No. 2 cans, this totals 28,755,036 cases. The 1943 pack, in

actual cases, amounts to 3,348,823 cases less than last year's total pack of 33,147,054 cases. The Division's report covers all canners known to have been packing in 1943.

In the following table is presented the breakdown of the 1943 pack, as to white and yellow varieties, by States:

State	1942			1943		
	White Actual cases	Yellow Actual cases	Total Actual cases	White Actual cases	Yellow Actual cases	Total Actual cases
Mo., Vt.; N. H.	107,518	1,358,176	1,465,694	70,486	1,460,204	1,530,690
N. Y.	16,023	1,658,760	1,674,783	8,758	1,102,462	1,111,220
Md. & Del.	1,639,276	1,413,697	3,052,973	660,622	870,794	1,531,416
Pa.	286,778	508,777	795,555	206,820	470,631	676,451
Ohio	1,132,356	907,791	2,040,147	836,680	756,207	1,592,887
Ind.	1,272,713	1,575,438	2,848,151	1,210,218	1,218,160	2,428,378
Ill.	2,057,608	3,444,674	5,502,282	1,545,519	3,102,043	4,647,562
Wis.	314,313	3,298,653	3,612,966	355,665	4,890,510	5,246,174
Minn.	131,676	5,933,073	6,064,749	237,489	5,012,790	5,250,279
Iowa & Neb.	2,690,694	1,471,804	4,162,498	2,579,507	1,484,828	4,064,335
Other States:						
East	284,834	78,880	363,714	146,201	75,981	222,182
West	107,360	1,396,482	1,503,842	38,103	1,451,294	1,489,397
Total	10,101,140	23,045,905	33,147,054	7,902,018	21,896,213	29,798,231

In the following table is presented the breakdown of the 1943 pack by varieties and container sizes:

Variety and style of pack	24/2		48/1P		24/12Z		24/303		6/10		Misc. Tin		Glass 12/303		Total Cases
	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	
CREAM STYLE															
Evergreen:															
East	475,525								49,440						524,965
West	1,125,763								61,229						1,186,992
Narrow Grain:															
East	632,867						5,170		6,916						644,953
West	1,556,356	2,100							13,658						1,574,114
Country Gentleman:															
East	272,491					2,000			3,004						277,495
West	2,186,065	9,373				8,781			19,381	986					2,224,566
Crosby and other white:															
East	74,433								2,053						76,486
West	407,414								13,858						421,272
Golden Bantam:															
East	3,034,071					2,860			116,981						3,153,912
West	7,096,009	4,433				83,903			148,712	5,915					7,339,064
WHOLE-GRAIN															
Golden Bantam:															
East	945,220				457,358				157,004			22,176			1,581,767
West	5,067,836				3,840,311	51,309			473,072	103,582		284,700			9,820,870
All White:															
East	384,014	9,238							18,416						411,668
West	523,407				1,233				28,812	6,035					559,487
Total	23,782,080	25,146	4,298,902	154,173	1,114,536	116,518	366,876	29,798,231							

Carryover Stocks, Pack and Total Supply of Canned Corn

The accompanying table shows the carryover, pack and total supply of canned corn for 1943-1944 compared with the previous year. The total supply shown in this table is for both civilian and government requirements.

The total supply available for the civilian trade will be published later, together with shipments to the trade out of both this year's and last year's supply.

	Carryover stocks, Aug. 1		Pack		Total Supply	
	1942 Cases	1943 Cases	1942 Cases	1943 Cases	1942 Cases	1943 Cases
Eastern States	32,347	47,574	9,392,866	6,671,246	9,425,213	6,718,820
Western States	80,743	106,184	23,754,188	23,126,985	23,834,031	23,293,169
Total	113,090	213,758	33,147,054	29,798,231	33,260,144	30,011,989

Apple Butter Price Formula

The formula under which apple butter made from apples of the 1943 crop will be priced for sales by packers is established by the Office of Price Administration in Maximum Price Regulation No. 498, which became effective December 6. Copies of the regulation have been mailed by the Association to packers of this product.

The packers' maximum prices are determined on the basis of the maximum prices established for them in 1942, with the differential of the apple costs. The packer deducts the sum of the 1942 weighted average cost of the apples and apple chops from the 1943 weighted average cost of the fruit to determine his permitted increase. However, in computing the 1943 weighted average cost for fruit, the packer must exclude any amounts paid that exceed \$1.65 for apples or 15 cents a pound for chops not exceeding 20 per cent moisture content, and 14 cents a pound for chops between 20 and 24 per cent moisture content.

The \$1.65 figure is the maximum price for U. S. No. 2, Cannery Grade, "A" varieties. The prices allowed as maximum chop costs are the maximums recently established for apple chops.

CANNED FOOD SUPPLIES
FROM '42 AND '43 PACKSLess Will Be Available for Civilian
Trade This Year

The civilian trade will have less canned fruits and vegetables from the 1943 pack than was available from the 1942 pack. The decrease amounts to about 19,000,000 cases or about 7.5 per cent.

The tables on page 7975 show for each of the canned fruits, vegetables, fruit juices and specialties the 1942 pack, together with the portion of that pack which was made available to the Government and the civilian trade. The tables show comparable figures for the 1943 pack except that the pack figures for some of the items are estimates and subject to change.

Wherever it was necessary to use estimates, all available information was used as a basis for making the estimates, and it is believed they are reasonably close to the actual pack. In the case of some of the larger items such as corn and peas, the pack for the entire country has been tabulated and the figures used for these products are, therefore, final.

FRUITS (Basis 24/2's)	1942 Pack			Estimated 1943 Pack		
	Total 1,000 Cases	Civilian 1,000 Cases	Government 1,000 Cases	Total 1,000 Cases	Civilian 1,000 Cases	Government 1,000 Cases
Apples.....	3,829	1,914	1,915	2,700	786	1,914
Applesauce.....	3,600	2,100	1,500	2,000	2,000	.....
Apricots.....	3,235	1,735	1,500	1,200	.....	1,200
Cranberries.....	1,385	1,385	.....	700	700	.....
Blueberries.....	307	.....	400	400	256	144
Other berries.....	1,157	984	500	600	371	229
Cherries, r. s. p.....	2,516	1,516	1,000	499	.....	489
Cherries, sweet.....	970	570	400	800	800	.....
Citrus salad.....	188	188	.....	.....	.....	.....
Citrus segments.....	3,126	2,826	300	621	.....	621
Figs.....	712	112	600	800	266	534
Fruit salad.....	593	593	.....	500a	500a	.....
Fruit cocktail.....	5,362	3,337	2,225	5,300	3,275	2,225
Olives, ripe and green ripe.....	1,245	1,245	.....	700	700	.....
Peaches.....	15,071	10,091	5,880	12,100	5,552	6,548
Pears.....	5,038	3,563	2,375	4,500	937	3,563
Pineapple.....	9,000	4,800	4,200	10,500	6,540	3,960
Plums.....	271	271	.....	300	300	.....
Prunes.....	1,088	588	500	1,900	1,900	.....
Total.....	60,773	37,878	22,865	46,310	24,883	21,427

a Mixed Fruits.

VEGETABLES (Basis 24/2's)						
Asparagus.....	4,212	2,948	1,264	4,100	2,752	1,348
Beans, baked and other dry	9,200	6,600	2,600	14,000	13,500	500
Beans, green and wax.....	23,790	15,463	8,327	23,000	18,004	4,996
Beans, lima.....	2,527	1,643	884	1,800	1,092	708
Beets.....	6,706	3,353	3,353	7,000	5,257	1,743
Carrots.....	2,283	1,141	1,142	3,000	1,676	1,324
Corn.....	32,118	20,877	11,241	28,755	23,937	4,818
Greens, except spinach.....	917	917	.....	500	500	.....
Hominy, lye.....	600	.....	600	400	.....	400
Peas.....	35,256	22,916	12,340	35,052	28,001	7,051
Potatoes, sweet.....	1,000	.....	1,000	1,500	.....	1,500
Potatoes, white.....	1,300	.....	1,300	3,200	.....	3,200
Pumpkin and squash.....	2,177	1,266	911	2,500	2,261	239
Sauerkraut.....	6,493	5,593	900	2,350	600	1,750
Spinach.....	9,867	5,267	4,300	6,500	3,162	3,348
Succotash.....	400	.....	400	400	.....	400
Tomatoes.....	41,252	25,252	16,000	29,500	19,600	9,900
Tomato juice.....	25,178	20,898	4,280	22,250	11,424	10,826
Tomato catsup.....	9,212	5,712	3,500	8,000	3,670	4,330
Tomato, other products.....	12,022	10,422	1,600	11,925	9,858	2,067
Other vegetables, including mixed vegetables.....	2,813	2,513	300	3,140	2,849	300
Total.....	229,023	153,181	75,842	208,881	148,533	60,348

FRUIT JUICES (Basis 24/2's)						
Apple.....	1,314	1,314	.....	725	725	.....
Fruit nectars.....	700	700	.....	300	300	.....
Grape.....	2,700	2,500	200	1,500	1,500	.....
Grapefruit.....	12,819	11,019	1,800	23,780	18,745	5,035
Grapefruit and orange combination.....	2,342	2,142	200	3,701	1,401	2,300
Lemon and lime.....	300	300	.....	150	150	.....
Orange.....	4,738	4,338	200	3,300	800	2,500
Pineapple.....	9,900	7,100	2,800	11,000	8,325	2,675
Prune.....	1,800	1,800	.....	1,800	1,500	300
Total.....	36,613	31,413	5,200	46,256	33,646	12,610

SPECIALTIES (Basis 24/2's)						
Baby foods.....	5,510	5,419	100	7,500	7,300	200
Soups.....	26,000	26,300	600	21,500	20,900	600
Total.....	32,428	31,728	700	29,000	28,200	800

SUMMARY (Basis Std. Cases)						
Fruits.....	60,773	37,878	22,865	46,310	24,883	21,427
Vegetables.....	229,023	153,181	75,842	208,881	148,533	60,348
Fruit Juices.....	36,613	31,413	5,200	46,256	33,646	12,610
Specialties.....	32,428	31,728	700	29,000	28,200	800
Total.....	358,837	254,200	104,607	330,447	235,362	95,185

NEW OPA LEGAL ADVISERS

Bowles Appoints Committee To Assist Present Staff of Lawyers

A four-man Legal Advisory Committee to the Price Administrator has been established, it was announced by the Office of Price Administration on December 7.

Chairman of the committee will be E. Barrett Prettyman, of Washington, D. C., who has accepted the appointment made by Chester Bowles.

At the same time, Richard H. Field, of Weston, Mass., was appointed legal adviser and acting general counsel.

Mr. Prettyman is a member of the law firm of Hewes, Prettyman, Awalt and Smiddy, of Washington. Formerly he was general counsel for the Bureau of Internal Revenue in Washington, and corporation counsel for the District of Columbia.

Mr. Field was graduated from the Harvard Law School in 1929. From that time until January, 1942, he was associated with the firm of Brown, Field and McCarthy in Boston. Since then he has been regional attorney in the OPA office in Boston.

Three other members of the committee will be appointed shortly.

In announcing the creation of this committee, Mr. Bowles made the following statement:

"The operations of the OPA must necessarily rest upon the law which created it. Each regulation must be legally sound. It should also be clear, practical, and easy to live with.

"Broadly speaking, this new Legal Advisory Committee has been set up to help the present legal staff in carrying out all phases of its vitally important responsibility. It will advise the Administrator as to the adequacy of the OPA legal staff and its budget to perform its functions in the difficult and fluctuating economic and social conditions resulting from the war.

"Most important of the committee's activities will be the following:

"1. It will examine legal procedures in the rent, price and rationing departments and make suggestions for simplicity, efficiency and prompt execution.

"2. It will examine the operation of the Office of Administrative Hearings and make suggestions regarding the efficiency of the present operation, promptness in hearing and deciding cases, fairness and adequacy of procedures.

"3. Finally, the committee will study the problems of the Enforcement Department, particularly the means of dealing more effectively with the black market. In addition to studying procedures, it will make recommendations as to budget and personnel for enforcement."

CCC Arranges Recovery of Cost of Dried Raisin Trays

A method by which Commodity Credit Corporation may determine its maximum prices for sales of dried raisins to other government agencies, so as to regain money expended this year for trays for drying the fruit, was announced December 9 by the Office of Price Administration, in issuing Amendment No. 1 to Maximum Price Regulation No. 475, which becomes effective December 15.

Raisin sales to civilians from the 1943 crop are subsidized to keep prices at 1942 levels. CCC, however, cannot pass the benefit of a subsidy on to other government agencies. This fact was recognized when raisins were priced and two complete schedules of prices were listed, one for civilian sales and the other for government sales.

The list of prices for sales to government procurement agencies did not, however, take into account the money which had previously been expended for the drying trays in order to encourage the greatest possible production of dried raisins.

Now, CCC is authorized to add \$1.65 a ton to the established maximum prices for government sales. This sum will enable CCC to collect the cost of the trays, over a period of time, from the agencies which benefited from the increased production of raisins.

When a packer makes a sale directly to a government agency other than CCC, he must collect the \$1.65 a ton over the listed maximum prices for government sale and pay this money to the Food Distribution Administration pursuant to his contract with CCC. These funds also will go, then, to paying for the trays.

Snap Beans for Processing

The 1943 preliminary estimated production of snap beans for processing is 251,300 tons, according to a report issued December 8, by the Department of Agriculture. This exceeds the 1942 production of 233,500 tons by 8 per cent, and compares with the average production of 91,000 tons for the preceding 10-year (1932-41) period.

The revised estimate of the 1943 planted acreage is 172,100 acres which compares with the preliminary estimate of the acreage harvested of 154,020 acres. The difference, or 17,480 acres, represents 10 per cent loss or abandonment on account of unfavorable growing conditions.

Harvesting continued into November in many States in the northern portion of the United States and canners are also packing from the fall crop of Florida beans.

The report contains the following table showing a comparison of estimated production of snap beans for 1943 with the 1942 production.

State	1942 Tons	1943 Tons
Maine.....	5,300	7,700
New York.....	26,200	25,000
Pennsylvania.....	9,700	9,700
Indiana.....	3,000	1,400
Michigan.....	10,700	12,800
Wisconsin.....	16,900	18,300
Delaware.....	1,800	1,000
Maryland.....	20,200	14,800
Virginia.....	4,900	3,200
N. Carolina.....	1,800	1,200
S. Carolina.....	2,600	2,100
Georgia.....	5,000	4,800
Florida.....	26,700	30,100
Tennessee.....	4,600	18,400
Mississippi.....	3,800	2,100
Arkansas.....	18,500	13,000
Louisiana.....	4,100	3,900
Oklahoma.....	7,400	3,000
Texas.....	9,000	12,000
Colorado.....	4,000	4,200
Utah.....	3,600	2,200
Washington.....	9,100	9,900
Oregon.....	21,200	28,800
California.....	4,700	6,800
Other States.....	8,700	5,000
Total.....	233,500	251,300

Frozen Plum Pricing Changed

Pricing methods for packers of frozen plums are changed by Amendment 7 to Maximum Price Regulation No. 409, issued December 8 by the Office of Price Administration, to be effective December 14.

Packers who buy plums grown in States other than Oregon, Washington, California, Idaho and Utah, will not now include in their maximum prices for 1943 an adjustment for raw material costs. The regulation previously provided that the packer should adjust for raw material costs by subtracting his 1942 weighted average cost from \$55 a ton (which is the price recommended to be paid to growers) and adding the difference to his maximum price under MPR No. 207.

However, the \$55 a ton price was intended to apply only to plums grown in Oregon, Washington, California, Idaho and Utah. It was not intended to apply to plums grown in other States because under the frozen fruit regulation for 1942, the maximum prices reflected higher fruit costs in those other states.

New Agricultural and Food Machinery Committee Formed

Formation of an Agricultural and Food Machinery Committee has been announced by the Combined Production and Resources Board, in conjunction with the Combined Food Board. The committee will "assemble all pertinent facts and recommend such action as may be advisable on all problems concerning requirements, supplies, production and distribution of agricultural implements and machinery and food processing machinery."

J. S. Duncan, of Canada, is chairman of the committee for the Combined Production and Resources Board. Herbert H. Bloom, Administrator of Farm and Construction Machinery of the Wartime Prices and Trade Board of Canada, represents the Canadian section of the Combined Food Board. Other members are:

For the United States, M. Lee Marshall, chairman of the board of directors, Continental Baking Company, representing CPRB, and J. W. Millard, Director of the Office of Materials and Facilities of the War Food Administration.

For Great Britain, T. H. Brand, British Executive Officer of the CPRB; and Maurice I. Hutton, British Executive Officer of the Combined Food Board.

One of the committee's primary concerns will be to make recommendations for the production and distribution of the agricultural implements and machinery and the food processing machinery required by the war effort, including the needs for the liberated areas as they may be developed by the appropriate agencies.

California Sardine Report

Estimated figures on tonnage of sardines delivered to California processing plants and cases of sardines packed during the current season to November 27 inclusive, as reported by the California Sardine Products Institute, are as follows:

TONNAGE:	Tons
San Francisco Bay.....	108,584
Monterey.....	120,662
Southern California.....	64,578
Total.....	302,794
PACK:	Cases
Can sizes:	
1-lb. ovals.....	836,415
1-lb. talls.....	906,491
1/4-lb. fillets.....	17,106
1/4-lb. round 90's.....	59,186
5-oz. 100's.....	6,996
Miscellaneous.....	41,284
Total.....	1,867,445

FRESH, FROZEN FOODS EXEMPTED FROM RENEGOTIATION

Quartermaster Takes Action without Awaiting Legislative Decision Pending in Congress

While legislation specifically exempting agricultural commodities from war contract renegotiation provisions of existing law awaits final Congressional action in the Senate, Quartermaster General E. B. Gregory has taken the lead and ordered such an exemption for a long list of fresh food items purchased for the armed forces.

Acting under authority recently granted by Under Secretary of War Robert P. Patterson, the Quartermaster General has designated perishable foods and declared contracts and subcontracts on the specified items exempt from renegotiation under Section 403 of the Sixth National Defense Appropriation Act, of 1942, as amended. This action was taken on the basis that the profits under contracts and subcontracts for the purchase of the specified foods can be determined "with reasonable certainty" when the contract price is established.

The following is the list of the foods, contracts and subcontracts for the purchase of which have been declared by the Quartermaster General to be exempt from renegotiation:

Fresh Fruits: Apples, apricots, bananas, berries (blue and black), can-

taloupes, cherries, cranberries, grapes, grapefruit, honeydew melons, lemons, limes, oranges, pears, peaches, plums, strawberries, tangerines, watermelons, other miscellaneous fresh fruits.

Fresh Vegetables: Asparagus, beans, lima; beans, string; beets, broccoli, cauliflower, corn, cucumbers, egg plant, endive (chicory), greens (collards, etc.), kale, lettuce, onions, green; onions, dry; parsley, parsnips, peas; peppers, green; potatoes, Irish; potatoes, sweet; radishes, spinach, squash, tomatoes, turnips and rutabagas, mushrooms, rhubarb, other miscellaneous fresh vegetables.

Dairy Products: Butter (except canned), cheese (except processed canned), ice cream, fresh fluid milk, fresh fluid cream.

Poultry: Chicken (except canned), turkey (except canned), other poultry (except canned).

Meats: Beef (except canned and dehydrated), pork (except canned and dehydrated), lamb and mutton (except canned and dehydrated), veal (except canned and dehydrated), smoked or processed meats (except canned and dehydrated), other meats (except canned and dehydrated), lard and lard substitutes, offals (except canned and dehydrated).

Fish and Sea Foods: Fresh or frozen, salted or smoked (except canned).

Frozen vegetables and fruits.

to prevent waste. As a result, they may be sold point-free during the holiday season.

Recently the so-called miniature sizes of jams, jellies, and preserves—those weighing 5½ ounces or less, were made ration-free until February. These small sizes are popular as gifts for servicemen.

Sales of all jams, jellies, preserves, fruit spreads and non-citrus marmalade—such as peach, grape, strawberry marmalade—were frozen on October 23, and consumer rationing of these foods started October 31. Most of these foods for gifts were packed before October 23.

Gift packages made up after October 23 were produced with the knowledge that preserves were rationed and these may not be sold point-free, it was explained.

A few packages may have been intended to be sold as gifts even though not distinctively packed or wrapped. These also may be sold point-free up to January 8 if they were packed before October 23 for sale as gifts.

Processors must obtain permission from their district OPA office to sell or transfer gift preserves point-free if the total ration value of the jams, jellies, etc., exceeds 400 points. They will be required to certify that the Christmas packages were made up before October 23, for use as gifts and give the number and point value of these packages.

The trade is not required to furnish this material where the value is less than 400 points, but sellers must keep a record of both the number of packages and point value of all preserves sold point-free.

To safeguard against the point-free sale of preserves not packed for the Christmas season, all preserves sold at zero points must be marked with the notation that they were packed before October 23.

GIFT PACKAGE PRICING

Provisions for Dried and Fresh Fruits, Jams, Jellies and Marmalades in Christmas Boxes

Price and rationing actions were taken by the Office of Price Administration during the week covering three types of holiday gift packages—those containing limited amounts of fresh fruits combined with certain other items; Christmas-packaged dried fruit assortments; and jam, jelly, preserve and marmalade gift packages.

Amendment No. 13 to Maximum Price Regulation No. 262, which became effective December 9, grants formal permission to producers of Christmas-packaged dried fruits to refigure the maximum prices for their assortments in line with higher prices announced for their ingredients in recent months. The increase in these products is approximately 20 per cent.

Gift packages containing limited amounts of mixed fresh fruits combined with certain other items, such as dried fruits and nuts, were exempted from price control through Amendment 15 to MPR 426, if the grower or shipper

sells in lots of not more than five containers to any one consignee. Each container must include not more than 26 pounds of fruit or other items, and these other items must not compose more than 15 per cent of the total weight of the package. This amendment became effective December 4.

Amendment No. 95 to Ration Order No. 13 provides that gift packages of jams, jellies, fruit butter, preserves and non-citrus marmalade, which were packed for sale as Christmas gifts before October 23, may be bought point-free during the holiday season. These point-free sales are allowed for the period between December 8, 1943, and January 8, 1944, inclusive. OPA explained that the bulk of the packages containing these foods was made up before rationing began, and few people have been willing to spend green ration points for preserves included in gift packages. The OPA press announcement gives the following further explanation of the amendment:

As the jams, jellies and other like foods are often assembled in packages containing such highly perishable products as cake, cookies, apples, etc., it is necessary to sell the packages speedily

Transfer of Unused Wooden Boxes by Citrus Shippers

Shippers of oranges and grapefruit who do not use their full quota of wooden shipping containers may transfer any unused quota of boxes to another shipper, but only within the same area, the War Production Board's Containers Division announced December 4.

An amendment to WPB Supplemental Limitation Order L-232-a, controlling the use of wooden containers in the shipment of citrus fruits revises Section (d) to read as follows:

"(d) Transfer of quotas. Any shipper who does not ship his permitted amount of oranges and grapefruit in wooden containers may transfer his unused quota to another shipper in the same area."

Revenue Bureau Reverses Ruling on Property Transportation Tax

Canners now Must Pay when Hauling f.o.b. Cannery Purchases; Not Obligated To Collect Back Taxes

As a result of a request in April, 1943, for an interpretation as to the application of the property transportation tax upon the trucking operations of individual canners, the Bureau of Internal Revenue ruled on August 26, 1943, that if a canner hauls farm products from the farm to the cannery and charges the farmer for the transportation, the hauling is incidental to the canner's business of canning, and is not subject to the 3 per cent transportation tax.

This August ruling was a modification of a previous ruling by the Bureau on April 29, 1943, in which it was held: (1) that the transportation tax did not apply to delivery by a canner of his finished product with his own trucks, even though a separate charge was made for the delivery; (2) that the transportation tax did apply to the hauling by the canner of raw products from the farm to the cannery where the canner bought the raw products f.o.b. plant and charged the farmer for the hauling. The August ruling changed the second point of the first April ruling (for text of prior rulings, see INFORMATION LETTER No. 934, May 15, 1943, p. 7654; INFORMATION LETTER No. 949, August 28, 1943, p. 7830).

The Bureau of Internal Revenue has now advised Association counsel by letter dated November 29, 1943, that where a canning company transports raw products from the farms to the cannery (other than by common carrier), charges the farmer for the hauling, and title does not pass until the raw products are delivered at the cannery, the canning company is engaged in transporting property for hire. The canner is therefore now required to collect the tax on charges made to the farmer for the hauling.

This last ruling reverses the August ruling and reinstates the first ruling with respect to hauling of raw products from the farms to the canneries. However, because the Bureau has now changed its August, 1943, ruling, canners who relied on the August ruling do not need to take any steps to collect the tax from persons who have paid transportation charges prior to the date of receipt of the last ruling of November 29, 1943. This date is December 2, 1943. The text of the latest ruling follows:

"Further reference is made to your letter dated April 13, 1943, requesting, on behalf of the National Canners Association, a ruling concerning the appli-

cation of the tax imposed by section 3475 of the Internal Revenue Code to charges made by canners for transporting raw materials from the farms to the cannery, and to the letters from this office dated April 29 and August 26, 1943, relative to the matter.

"Further consideration has been given to the question whether a canning company which hauls raw materials from the farms to the cannery can properly be regarded as a 'person engaged in the business of transporting property for hire,' within the meaning of section 3475 of the code.

"It is now the opinion of this office that where a canning company transports raw materials from the farms to the cannery, and title to the materials does not pass to the company until delivery at the cannery has been effected, the canning company is to that extent engaged in the business of transporting property for hire and amounts paid to the company for the transportation services are subject to the tax.

"Accordingly, if the canning companies referred to in your letter of April 13, 1943, transport the raw materials from the farms to the canneries and title to the raw materials passes to the canning companies at the canneries, the companies would be considered to that extent to be engaged in the business of transporting property for hire, and the tax would apply to the amounts paid for the transportation services furnished, or to the amounts deducted for this purpose from the payments made to the farmers for the raw materials purchased. If this is the case, and if such canning companies, relying upon the ruling furnished to you in Bureau letter of August 26, 1943, have failed to collect the tax on transportation charges paid to them, no steps need be taken toward collection of the tax from the persons who have paid such transportation charges prior to the date of receipt of this letter. However, on and after such date, the canning companies should collect the tax on all amounts paid to them for transporting the raw materials under the circumstances described."

It is planned to review this question again with the Bureau of Internal Revenue. In view of the tax liability, however, immediate publication of this ruling seemed desirable.

Canners should note that the person paying for the transportation is the person who is obliged to pay the tax and that the canner has the obligation to collect the tax and pay it to the local tax collector.

If canners arrange to take title to raw material at the point where they begin to transport such commodities, the tax would not be applicable.

REFRIGERATED CAR USE

New Restrictions Placed on Canned Food Shipments Until Dec. 21

The Interstate Commerce Commission on December 7 issued Service Order 167 suspending the effective date of Order No. 165 (published in last week's INFORMATION LETTER) until December 21, and placing certain temporary restrictions on the use of refrigerated cars for the shipment of canned and preserved foodstuffs. The order resulted from an emergency due to extraordinary shipments of fresh fruits and vegetables from California and southern areas. There is no intent, the Association is informed, to extend the restrictions in Order 167 beyond December 21, although, should a similar emergency develop in the future, similar action may be taken. Text of the governing portions of Order No. 167 is given below:

It appearing, that the movement of canned or preserved foodstuffs (not cold-pack), beer and other malt liquors, or wines in refrigerator cars diminishes the use of such cars acutely needed for the transportation of perishable freight; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of refrigerator cars: it is ordered, that:

(a) Use of refrigerator cars for canned or preserved foodstuffs (not cold-pack), beer and other malt liquors, or wines.

No common carrier by railroad subject to the Interstate Commerce Act shall transport or move in a standard or giant refrigerator car or cars (RS Type) canned or preserved foodstuffs (not cold-pack), beer and other malt liquors, or wines without a permit issued by the agent of the Interstate Commerce Commission named in paragraph (d) of this order.

(b) Tariff provisions suspended.

The operation of all tariff rules or regulations providing for the use of standard or giant refrigerator cars (RS Type) for the transportation of canned or preserved foodstuffs (not cold-pack), beer and other malt liquors, or wines is hereby suspended.

(c) Application.

The provisions of this order shall not be construed to prohibit the shipment of canned or preserved foodstuffs (not cold-pack), beer and other malt liquors, or wines in refrigerator cars authorized under Service Order No. 104, as amended, nor to the transportation of such commodities west-bound in such refrigerator cars to points in the States of Montana, Oregon, or Washington, or west-bound within those States.

(d) Special and general permits.

The provisions of this order shall be subject to any special or general permits to be issued by Robert B. Hoffman,

Manager, Refrigerator Car Section, Car Service Division, Association of American Railroads, 50 East Van Buren Street, Chicago, Illinois, as agent of the Interstate Commerce Commission; and Robert B. Hoffman is hereby appointed as agent of the Interstate Commerce Commission and authorized to issue permits for the movement of canned or preserved foodstuffs (not cold-pack), beer and other malt liquors, or wines in refrigerator cars under exceptional circumstances or when weather conditions require the use of refrigerator cars.

(g) Suspension of Service Order No. 165.

The provisions of Service Order No. 165 (8 F.R. 16172) of November 23, 1943, are hereby suspended from 12:01 a. m. December 7, 1943, until 12:01 a. m. December 21, 1943. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 40 U.S.C. 1 (10)-(17))

It is further ordered, that this order shall become effective at 12:01 a. m. December 7, 1943, and shall expire at 12:01 a. m. December 21, 1943; * * *

Would-be Purchasers of Army Trucks Should Check with ODT

Persons planning to purchase trucks placed on sale by Army salvage officers as no longer suitable for military use have been advised by the Office of Defense Transportation to consult their ODT Motor Transport district office before bidding on such equipment.

Several cases have occurred, ODT said, where persons have purchased trucks only to find that the proposed services were of a nature that would not qualify them for allotments of motor fuel and mileage.

The ODT warning on purchases of Army trucks applies also to would-be purchasers of used trucks of any kind. Such a purchase should not be made until the prospective buyer makes certain that a Certificate of War Necessity will be issued by ODT for the type of service in which the truck is to be used.

By checking with ODT, prospective purchasers of such trucks can avoid possible financial loss from buying vehicles for which they will be unable to obtain gasoline allocations, it was pointed out.

ODT warned also that persons contemplating setting up new business enterprises, or enlarging present businesses, where the use of motor vehicles would be involved, should likewise consult ODT district offices for the same reason. Under amendments to ODT general orders, the ODT will not issue gasoline for new or enlarged truck operations unless they are adjudged necessary to the war effort or the essential civilian economy.

RATION RE-REGISTRATION

Will Change Method Industrial Users Apply to Obtain Sugar and Other Rationed Items

Further details of the recently announced re-registration of all industrial users of rationed foods were given December 9 by the Office of Price Administration. The re-registration will include all persons who use rationed foods in the manufacture of any products, and who are now registered with OPA as industrial users.

The procedures announced will be incorporated in a general ration order to be issued soon. Applications for new registrations, OPA said, will continue to be handled as before.

Industrial users will register at local War Price and Rationing Boards between December 15 and January 5, using a single new form (OPA R-1200) for all rationed foods. The re-registration will do away with the present system of applying for sugar, (Ration Order 3), processed foods (RO 13), and meats and fats (RO 16) on three different application forms. Beginning January 1, all food allotments for industrial use will be for the same quarterly periods.

Schedule I of the new application lists 17 classes of foods. These include all types of products for which an industrial user is entitled to receive an allotment. Under the new procedure he is required to indicate on this schedule the classes of food he produced in 1943 (or during the base period), and after January 1, 1944, he may not use rationed foods to manufacture any product not included in the classes of items he has checked. Previously this restriction on the use of food allotments was limited to sugar.

Food allotments for each quarterly period in 1944 will be figured on Schedule II of the new form. This schedule is divided into seven parts: meats; dairy commodities; fats and oils; processed fruits; processed vegetables; miscellaneous, and sugar.

The application will supply information on the number of pounds of each of these kinds of foods he used during each quarter of the base year—1941 in the case of sugar and 1942 for the other rationed foods. OPA will determine the "factor" or rate of allowance for each quarterly allotment period in 1944. With these two figures, the local board will compute the manufacturer's allotment of each of the seven kinds of food for each quarter of 1944.

Provisional allowances will be given packers of pork and beans, the amount of the allowance depending on the number of pounds of pork used for each 100 pounds of beans in either 1941, 1942 or 1943. The industrial user will state how many pounds of beans he expects to use in making pork and beans for the January-March quarter. The provisional allowance of pork for that quarter will be based on the indicated ratio of pork to beans. In instances where the provisional allowance of pork turns out to be greater than the industrial user's need for a particular quarter, the excess will be deducted from the allowance for the next quarter.

Canners and other industrial users who receive food allotments on a "provisional allowance," the amount allowed depending on the number of units of a particular item they produce, such as cans of processed foods or pounds of jelly, will register on Form R-1200, but will apply for their quarterly allowances on forms previously used for this purpose.

An industrial user who operates more than one establishment may either register each of his places separately or all of them together. If he registers each establishment separately, he must file a separate application with each board where the establishment is situated.

If he registers all his plants together, he files one application with the board where his principal business office is situated. In that case, he must attach to the application a list of the names and addresses of each establishment covered by the registration.

Where a change in registration involves a change in the board with which an establishment was previously registered, the applicant must inform the new board of the former place of registration, stating the kinds of foods obtained.

New Association Members

The following firms have been admitted to membership in the Association since September 18, 1943:

Alaska Native Co-operative Canning Co., Seattle, Wash.

Louis J. Devich, San Jose, Calif.

Engelman Products Co., Elms, Texas

Kennewick Canning Co., Kennewick, Wash.

The Rio-Sun Company, McAllen, Texas

Whitney & Company, Seattle, Wash.

POST-WAR PLANNING

FDA Names Committee of Cannery To Work on Problems

The Food Distribution Administration has appointed a task committee composed of members of the Canned Food Advisory Committee "to consider the possible accumulation of stocks as they may affect continued production and to suggest government policies which would assure continued production."

Marc C. Hutchinson has been named chairman of this committee, which is composed of the following additional members: H. L. Cannon, Philip D. Macbride, Elvon Musick, M. C. Peters, E. N. Richmond, Henry P. Taylor, D. C. Townson, and Oliver Willits.

Similar task committees have been named from the membership of other industry advisory groups in the food field. The chairmen of these task committees will meet in Washington on December 11 with officials of the Food Distribution Administration for a discussion of post-war planning.

Truck Crop Prospects

The December 9 report of the Department of Agriculture on truck crops indicates a generally increased production. Following are excerpts from the report:

Production of lima beans in Florida, for harvest during the winter season, is estimated at 120,000 bushels, which is 15 per cent greater than the 1943 winter crop and 25 per cent above the 10-year average. Early plantings are making good progress except in some localities where rainfall has been excessive. Harvesting of some early plantings is expected to commence late in December, but the main crop will not be ready until the first week in January.

Acreage of beets in Texas, for harvest during the winter and spring months, is placed at 8,800 acres, an increase of 16 per cent over the 1943 harvested acreage and 32 per cent above the 1933-42 average. Stands from early plantings were poor and there has been considerable insect damage. Conditions improved the latter part of November and conditions on December 1 were favorable for seeding crops for late-season harvest.

The preliminary estimate of the 1944 acreage of winter cabbage in California, Arizona, Texas and Florida is 72,500 acres, 46 per cent more than in 1943 and 55 per cent above the 1933-42 average. Texas and Florida account for most of the increase, although California and Arizona also show some increase.

Acreage of 1944 winter season carrots in California, Arizona, Texas, and Louisiana is placed at 33,600 acres, an increase of about 5 per cent over the 1943 harvested acreage and 74 per cent above the 1933-42 average. An indicated increase over last year for Texas more than offsets prospective reduction for California and Arizona.

Winter spinach for harvest in California, Louisiana, and Texas is estimated at 51,400 acres, an increase of slightly more than 8,000 acres over last year, with increases in all States. In Texas, where over 90 per cent of the acreage is grown, the increase over last year is approximately 20 per cent.

Acreage of strawberries in Florida for harvest this winter and early spring is indicated to be 1,300 acres, or 50 per cent below last season's acreage and 84 per cent below the 1933-42 average.

Subsidy Hearings Concluded

The Senate Banking and Currency Committee concluded its hearings on the anti-subsidy Commodity Credit Corporation extension bill on December 9. Representatives of various women's and consumers' organizations, who endorsed the subsidy programs, and representatives of the Farm Bureau and the National Grange, who again opposed consumer subsidies, were the final witnesses to be heard.

Earlier in the week Food Administrator Marvin Jones asked the Committee for an early determination of the subsidy issue. Both Administrator Jones and CCC President J. B. Hutson, who also testified, requested authority to continue the present food subsidies.

The Committee plans to start executive consideration of the bill on December 13.

Meanwhile, the Senate Committee on Agriculture voted to replace the present milk subsidies with a one-cent per quart increase in milk prices and a six-cent per pound increase in the price of butter. The Agriculture Committee's proposal also provides machinery for adjusting these prices each six months.

OPA-WFA Establish Prices For Oranges for Processing

The average price for fresh oranges which will be used in determining ceiling prices for orange products processed in Florida and Texas was announced jointly on December 10 by the Office of Price Administration and the War Food Administration.

The price, which has been approved by the Director of Economic Stabilization, will permit processors to pay an average of \$52.50 per ton for oranges, f.o.b. packing house or roadside basis. This price will be reflected in maximum prices established by government purchases of canned orange products.

A similar determination will be made later for oranges produced in California and Arizona for sale to processors. These prices will be based upon an appropriate price in line with California and Arizona fresh orange ceilings.

Representatives of grapefruit processors are conferring with government officials on the problem of establishing ceilings for fresh fruit for processing. It is expected that action similar to that taken with respect to oranges will be announced soon.

Vinegar Pricing Amended

The maximum price of 17 cents a gallon recently established for vinegar stock, from which cider vinegar is made, applies to vinegar stock of 12-proof or more alcoholic content, rather than 16-proof as originally announced. The Office of Price Administration ruled December 10, through the issuance of Amendment No. 1 to Maximum Price Regulation No. 493, which becomes effective December 15.

This brings the new regulation pricing dried and processed apples and apple products in line with the previous regulation in the same field, the vinegar stock priced under the latter having been found to be 12-proof alcoholic content.

Similarly, prices for cider vinegar in the old regulation were on a bulk basis and the new regulation erroneously stated that the 17-cents-a-gallon maximum included container costs. This has been corrected by the amendment.

OFFICE OF WAR INFORMATION
OFFICE OF PRICE ADMINISTRATION

Advance Release:
For Morning Papers,
Friday, December 17, 1943.

AMDT. 20 TO MPR 306—CERTAIN PACKED
FOOD PRODUCTS

FREE RELEASE

A method by which processors of sauerkraut, who do not have adequate records of their kraut yield per ton of cabbage for pricing purposes, can determine their maximum prices, was announced today by the Office of Price Administration.

Today's action provided these processors with fixed yields of sauerkraut per ton of cabbage. On October 25, 1943, in announcing the formula under which sauerkraut processors should determine their maximum prices, OPA said they should use their average yield per ton of cabbage during the base period December 1, 1941–March 31, 1942.

OPA-3825

Since that announcement, many processors have reported to OPA that their data on their yield of sauerkraut per ton of cabbage during that period is insufficient to allow them to work the formula and determine their maximum price. Today's action provides such yields, based on average yields of representative members of the industry who did have the needed data. For example, a processor packing in No. 10 cans is allowed a yield of 30 cases (15 dozen) per ton.

OPA estimated in October that for the relatively small amount of kraut available to civilians, retail maximum prices would average 1½ cents higher than last year's. Today's provision is not expected to affect this. Most of the kraut packed is going to the armed forces.

At the same time, OPA set up a formula by which processors of maraschino and glace (drained) cherries, who buy the raw cherries and take the preparatory steps of brining the fruit themselves, can determine their maximum

prices. Most processors of maraschino and glace cherries buy the fruit brined and OPA already has provided a pricing formula for such prices.

Today's formula carries through for them at the brining level the same steps already provided for the adjustment of brining prices because of increased raw fruit costs. They are limited, as were the briners, to a 1942 increase of \$56 per ton over 1941 and a 1943 increase of \$40 a ton over 1942 in working out their maximum prices. This action will not affect the estimated retail price increases already announced for maraschino cherries.

Correcting an error, OPA said that the permitted increase in raw strawberries costs over the costs allowed in 1942, announced recently, should have been 4 cents a pound rather than 3.

(Amendment No. 20 to Maximum Price Regulation No. 306—Certain Packed Food Products, effective December 22, 1943.)

REGULATION

PART 1341—CANNED AND PRESERVED FOODS
(MPR 306 ' Incl. Amdt. 20)

CERTAIN PACKED FOOD PRODUCTS

Sections 1341.584 (i) (1) (iii) (b) and 1341.587 (a) (2) (ii) amended; 1341.583 (h) (5) and 1341.584 (i) (1) (ii) (c) added by Amendment 20, effective December 22, 1943, so that maximum Price Regulation No. 306 shall read as follows:

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, that maximum prices be established for the sale of certain packed food products by processors.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and will promote production and

distribution of certain packed food products for which maximum prices are established herein.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 306 is hereby issued.

Sec.

- 1341.551 Scope, purpose and general information.
1341.553 Items covered by this regulation and the maximum prices therefor.
1341.553a Maximum prices for grower-processors (including grower owned cooperatives).
1341.554 Maximum price adjustments for purchases by or purchases negotiated by the United States War Department.

* Statements of considerations are also issued with amendments. Copies may be obtained from the Office of Price Administration.

Sec.

- 1341.555 Prohibition against dealing in items covered by this regulation above maximum prices.
1341.556 Exempt sales.
1341.557 Maximum prices for new container types or sizes.
1341.558 When a maximum price under this regulation is established.
1341.559 Label and labor allowances.
1341.560 F. O. B. factory prices where the processor owns more than one factory.
1341.561 Maximum delivered prices by zone or area.
1341.562 Maximum prices for distributors other than wholesalers and retailers.
1341.562a Restriction on packers' sales to primary distributors.
1341.562b Position of brokers.
1341.563 Specific authorizations of maximum prices.
1341.564 Treatment of fractional parts of a cent in figuring maximum prices.
1341.565 Grades and invoices.
1341.566 Adjustable pricing.
1341.567 Evasion.
1341.568 Discounts and allowances.
1341.569 Records.
1341.569a Reports which processors must file.

Sec.	
1341.570	Transfers of business or stock in trade.
1341.571	Enforcement.
1341.571a	Licensing.
1341.573	Petitions for amendment.
1341.575	Applicability.
1341.577	Definitions.
1341.578	Sales for export.
1341.579	Applicability of other maximum price regulations.
1341.581	Effective date.
1341.582	Notification of change in maximum price.
1341.583	Appendix A: Maximum prices for packed fruit.
1341.584	Appendix B: Maximum prices for packed vegetables.
1341.585	Appendix C: Maximum prices for certain miscellaneous packed vegetables.
1341.586	Appendix D: Adjustment of maximum prices for approved increases in wage rates.
1341.587	Appendix E: Maximum prices for packed berries.

AUTHORITY: §§ 1341.551 to 1341.587, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9528, 8 F.R. 4661.

§ 1341.551 *Scope, purpose and general information.* (a) "Item covered by this regulation" means an item for which a maximum price is established by this regulation, or by any amendment or appendix hereto.

(b) Provisions contained in a particular appendix shall not apply to items covered by any other appendix, unless so provided.

(c) A provision contained in a particular appendix shall apply to the items covered by that appendix, even though it may be contrary to or inconsistent with another provision of this regulation.

(d) Every provision contained in this regulation, but not in any appendix, shall apply to items covered by any appendix to this regulation, to the extent that it is not contrary to or inconsistent with any provision in such appendix.

(e) "Processor" means the canner, manufacturer, or packer, as the case may be, of the kind and brand of packed food product being priced.

[Paragraph (e) as amended by Amendment 12, 8 F.R. 10824, effective 8-5-43]

(f) The "effective date" of this regulation as to any item covered by this regulation shall be the effective date of this regulation or the effective date of any amendment adding such item to the items covered by this regulation, as the case may be, unless otherwise specified.

(g) The provisions of this regulation shall apply to items packed during the year 1943. If the major portion of any item was packed in 1943, the item shall be considered to be packed during the year 1943. Any canned citrus juices packed after November 1, 1942, shall be deemed to be packed during the year 1943.

(h) "Packed" means processed and enclosed in any container, whether or not hermetically sealed.

(i) In every case in which areas or regions are designated and maximum prices are established for any items on an area or regional basis, the maximum price for any item in such area or region shall apply to all of such item packed in such region or area.

(j) The purpose of this regulation is to establish maximum prices for items now designated or to be added from time to time. Maximum prices are established which take into consideration such factors as grades, sizes, regions, and container types. Additional factors may be specified for some items. Each factor specified shall be used in determining the maximum price. For example, if grades and regions are specified, the processor shall use the maximum price designated for the grade in question for the region in which he produces the item.

(k) "Packed fruits" includes any specified fruit or mixture of fruits and the juice or any mixture of juices of specified fruits, when processed and enclosed in containers, whether or not hermetically sealed.

(l) "Packed vegetables" includes any specified vegetable or mixture of vegetables and the juice or any mixture of juices of specified vegetables, when processed and enclosed in containers, whether or not hermetically sealed.

(m) "Packed berries" includes any specified berry or mixture of berries and the juice or any mixture of juices of specified berries, when processed and enclosed in containers whether or not hermetically sealed.

[Paragraph (m) added by Amendment 11, 8 F.R. 10725, effective 7-30-43]

§ 1341.553 *Items covered by this regulation and the maximum prices therefor.*

(a) The packed fruits covered by this regulation are as listed below and the maximum prices for each, f. o. b. processor's plant, shall be the prices set forth in the respective section and appendix listed for each.

Item	Section	Appendix
(1) Grapefruit juice.....	1341.583	A
(2) Miscellaneous fruits.....	1341.583	A
(3) Cherry, red sour.....	1341.583	A
(4) Cocktail cherries.....	1341.583	A
(5) Fruit cocktail.....	1341.583	A
(6) Mixed Fruits.....	1341.583	A
(7) Brined cherries.....	1341.583	A
(8) Marshchino and gins (drained) cherries.....	1341.583	A
(9) Dried prunes in juice and prune products.....	1341.583	A

[Items (2) and (3) added by Amendment 11, 8 F.R. 10725, effective 7-30-43. Items (4), (5) and (6) added by Amendment 17, 8 F.R. 13707, effective 10-9-43. Items (7), (8) and (9) added by Amendment 19, 8 F.R. 16610, effective 12-14-43]

(b) The packed vegetables covered by this regulation are as listed below and the maximum prices for each, f. o. b. processor's plant, shall be the prices set forth in the respective section and appendix listed for each.

Item	Section	Appendix
(1) Peas.....	1341.584	B
(2) Tomatoes.....	1341.584	B
(3) Corn.....	1341.584	B
(4) Snap beans.....	1341.584	B
(5) Spinach.....	1341.584	B
(6) Asparagus.....	1341.584	B
(7) Mustard Greens and Turnip Greens.....	1341.584	B
(8) Tomato products.....	1341.584	B
(9) Miscellaneous vegetables.....	1341.585	C
(10) Sauerkraut.....	1341.584	B
(11) Sweet potatoes.....	1341.584	B
(12) Mushrooms.....	1341.584	B

[Paragraph (b) and item (1) added by Amendment 3, 8 F.R. 3732, effective 3-31-43; item (2) added by Amendment 4, 8 F.R. 3953, effective 3-27-43; (3) added by Amendment 5, 8 F.R. 4179, effective 3-31-43; (4) added by Amendment 6, 8 F.R. 4633, effective 4-7-43; (5) added by Amendment 7, 8 F.R. 4840, effective 4-15-43; (6), (7), (8), and (9) added by Amendment 9, 8 F.R. 9291, effective 7-10-43; item (10) added by Amendment 10, 8 F.R. 14577, effective 10-25-43. Items (11) and (12) added by Am. 19, 8 F.R. 16610, effective 12-14-43]

(c) The packed berries covered by this regulation are listed below and the maximum prices for each, f. o. b. processor's plant, shall be the prices set forth in the respective section and appendix listed for each.

Item	Section	Appendix
(1) Miscellaneous berries.....	1341.587	E

[Paragraph (c) added by Amendment 11, 8 F.R. 10725, effective 7-30-43]

(d) *Maximum prices for sales by processors from their branch warehouses.* A processor who sells an item from a branch warehouse owned or controlled by him to an independent retail store or commercial, industrial or institutional user shall figure his maximum price for those sales by adding together factors (1) and (2) and multiplying the result by factor (3):

(1) The maximum price named for the item, f. o. b. factory.

(2) The freight, if any, incurred from factory to branch warehouse. (Processors who have more than one factory or branch warehouse may average freight from factory to branch warehouse in the same manner as processors are allowed under paragraph (a) (1) to average outgoing freight.)

(3) The mark-up figure, appropriate to the particular sale, which would have been applicable to him as a "wholesaler" operating under Maximum Price Regulation No. 421, had he purchased the finished product and not canned, manufactured or packed it. This mark-up, however, may be added only when the particular goods sold have been warehoused at the branch warehouse.

(e) *Maximum prices for sales by processors to ultimate consumers.* Processors to ultimate consumers. Proc-

8 F.R. 9385, 10569, 10987.

essors who sell the items they make to ultimate consumers other than industrial commercial or institutional users are normally retailers as well, that is, persons whose general business is selling at retail items manufactured by others. Retailers are covered by Maximum Price Regulations Nos. 422¹ and 423,² which also provide a pricing method for items that a retailer may happen to manufacture or process himself (see section 25 of MPR 423). Processor-retailers, therefore, shall figure their maximum prices under those regulations.

[Paragraphs (d) and (e) added by Amendment 12, 8 F.R. 10824, effective 8-5-43]

§ 1341.553a *Maximum prices for grower-processors (including grower owned cooperatives).* The maximum price of a grower processor (including a grower owned cooperative) for any product added to this regulation on or after October 9, 1943, shall be the 1943 maximum price of his closest competitive processor who purchases all of the raw commodity used in manufacturing the product, unless a different pricing method is provided in the section dealing with such product.

[§ 1341.553a added by Amendment 19, 8 F.R. 16619, effective 12-14-43]

§ 1341.554 *Maximum price adjustments for purchases by or purchases negotiated by the United States War Department.* In the event that the United States War Department purchases or negotiates the purchase of any item covered by this regulation and the item, for some technical reason or in some minor respect, fails to meet the standards of a particular grade, the United States War Department may, in its discretion, purchase or negotiate the purchase of such item at a price which it deems fair and proper, which price, however, shall be lower than the price for the lowest grade which the item fails to meet but need not be as low as the maximum price of the next lower grade. Any processor with whom such a sale is negotiated by the United States War Department, may sell, and any governmental agency for which such purchase is negotiated pursuant to this section, may buy, the item at such price.

[§ 1341.554 added by Amendment 2, 8 F.R. 3921, effective 1-28-43]

§ 1341.555 *Prohibition against dealing in items covered by this regulation above maximum prices.* (a) On and after the effective date of this regulation, regardless of any contract or other obligation, no processor shall sell or deliver any item covered by this regulation at a price higher than the maximum price established herein; no person in the course of trade or business shall buy or receive any item covered by this regulation from a processor at a price higher than the maximum prices established herein; and no processor or other person shall agree, offer, solicit, or attempt to do any of the foregoing.

¹ 8 F.R. 8995, 10806, 10967.

² 8 F.R. 9407, 10670, 10982.

(b) Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

§ 1341.556 *Exempt sales.* The following sales shall be exempt from the provisions of this regulation: Sales by processors of home packed foods when the aggregate of sales during the calendar year 1943 does not exceed 1500 quarts (or an equivalent amount in other container sizes) packed during the calendar year 1943.

[§ 1341.556 added by Amendment 19, 8 F.R. 16619, effective 12-14-43]

§ 1341.557 *Maximum prices for new container types or sizes.* (a) The maximum price per dozen or other unit for any commodity covered by this regulation which is packed in any container type or size which the processor did not sell during the base period applicable to the particular commodity and for which no maximum price or particular method of establishing a maximum price is provided by the Appendix covering such commodity shall be figured by the processor as follows: He shall:

(1) *Determine the base container.* If the processor sold the same product (that is the same kind, grade, brand and style of pack) during the applicable base period, but only in other container types or sizes, he shall first determine the most similar container type for which he is able to calculate a maximum price for that product under this regulation (even though he no longer packs or sells that container type). From that container type he shall choose the nearest size which is 50% or less larger than the new size, or if there is no such size, 50% or less smaller (even though he no longer packs or sells those sizes). This will be the "base container". If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

Note: In most cases "the most similar container type" will be merely the container type which the processor is adding to or replacing, like the tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will, of course, be the same container type. This also is true in the reverse situation; where there has been a change only in container types, the "nearest size" will be the same size.

(2) *Find the base price.* The processor shall take as the "base price" his maximum price under this regulation for the product when packed in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the processor's shipping point, the processor shall first convert it to a base price f. o. b. factory by deducting whatever transportation charges were included in it.

(3) *Deduct the container cost.* Taking his base price f. o. b. shipping point, the processor shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the processor's plant, of the container, cap, label and proportionate

part of the outgoing shipping carton but does not include cost of filling, closing, labeling or packing.

(4) *Adjust for any difference in contents.* The figure obtained by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of ounces or other units in the new container.

(5) *Add the new container cost to get the price f. o. b. shipping point.* Next, the processor shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. shipping point price, the resulting figure is the processor's maximum price, f. o. b. shipping point.

(6) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the processor's maximum price for the product in the base container is a delivered price, he shall figure transportation charges to be added as follows: The processor shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. If for any reason the product in the new container will move under a different freight tariff classification, the processor shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for the freight classification on March 17, 1942. Increases in tariff rates or transportation taxes made since March 17, 1942, shall not be taken into account (similar principles shall apply where shipping volume is the measure of the transportation charge). The processor shall then add these transportation charges to his f. o. b. shipping point price for the commodity in the new container. The resulting figure is the processor's maximum delivered price.

[§ 1341.557 as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]

§ 1341.558 *When a maximum price under this regulation is established.* On and after December 14, 1943, a price figured for any item becomes "established" (that is, fixed) as the processor's maximum price as soon as he has either filed the price or disclosed it to any prospective customer, whether by sale, delivery, offer, or notice of any kind, provided that the figured price is not higher than the applicable pricing method allows. A maximum price for any item may be established only once, and it may not be changed by the seller except (a) with the written permission of the District Office of the Office of Price Administration for the area in which he is located in cases where the processor has figured his maximum price lower than the applicable pricing method allowed, or (b) in cases where a change in the regulation changes the processor's applicable pricing method.

If the processor is disclosing a price lower than the one he figured, he may establish the higher (figured) price as his maximum price at the time of disclosure only by recording it and naming it as such, in ink, in his books before he discloses the lower price. A seller who has not figured a price for an item, or has figured a price higher than the applicable pricing method allows, may not sell the item until he has established the maximum price for the item in accordance with the rules of this section.

[§ 1341.550 added by Amendment 19, 8 F.R. 10610, effective 12-14-43]

§ 1341.550 *Label and labor allowances.* (a) Label allowances shall be made by processors in the following circumstances and in the following amounts:

(1) When the processor sells any item covered by this regulation, unlabeled in containers no greater in content than a No. 10 can, the processor shall reduce the maximum price established under this regulation by at least the sum of \$1.50 per thousand, for the number of labels used.

(2) When any item covered by this regulation is sold unlabeled in containers not greater in content than a No. 10 can, the processor shall make a labor allowance by reducing the maximum price at least the sum of one cent per case of such containers, in addition to the allowance provided in paragraph (a) (1) of this section.

(3) When the processor sells any item covered by this regulation in containers no greater in content than a No. 10 can, labeled with labels supplied to him by the purchaser, the processor shall reduce the maximum price established under this regulation by at least the sum of \$1.50 per thousand for the number of labels used.

§ 1341.560 *F. O. B. factory prices where the processor owns more than one factory.* For each item covered by this regulation for which regional flat prices are established, in cases where the processor owns more than one factory f. o. b. maximum prices shall be determined separately for each factory. For all other items covered by this regulation f. o. b. maximum prices shall also be determined separately for each factory except that if any group of two or more factories had the same f. o. b. factory price for the 1941 pack of an item, the maximum prices for such item for all the factories in the group shall be the maximum price of the factory in the group which had the largest volume of production during the 1941 pack.

[§ 1341.560 added by Amendment 15, 8 F.R. 11806, effective 8-24-43]

§ 1341.561 *Maximum delivered prices by zone or area.* (a) Any processor who sold or delivered any item covered by this regulation, packed by him during the calendar year 1941, on an established uniform delivered price basis by zone or area, may establish a maximum delivered price for a zone or area by adding to the maximum price, f. o. b. factory, established pursuant to this regulation,

for the same size, grade and container type, the freight charge he added to his f. o. b. factory price during the calendar year 1941 in the same zone or area, plus 3% of that freight charge.

[Paragraph (a) as amended by Amendment 9, 8 F.R. 9391, effective 7-10-43]

(b) If the processor sells any item covered by this regulation in a container type or size not previously sold by him on a delivered price basis, by zone or area, he may establish a maximum delivered price by zone or area as follows:

(1) He shall first select the most similar container type and size in which he previously sold the same product on a delivered basis by zone or area.

(2) He shall add an adjusted freight charge to the maximum price, f. o. b. factory, established pursuant to this regulation for the item being priced. The adjusted freight charge to be used shall be the freight charge as computed under paragraph (a) of this section for the selected container type and size, adjusted in the exact proportion to the difference in shipping weight. If for any reason, the product in the container type and size being priced will move under a different freight tariff classification, the processor shall figure his adjusted freight charges (by the same means of transportation to the same zone or area) on the basis of the new shipping weight, by adding or subtracting, as the case may be, the difference between the charge under the freight classification for the new container type and size and the charge under the freight classification for the selected container type and size. Similar principles shall apply where shipping volume is the measure of the freight charge.

(c) Any processor who sold or delivered any item covered by this regulation, packed by him during the calendar year 1941, from two or more of his factories on an established uniform delivered price basis by zone or area regardless of the factory from which shipment was made, may continue such practice and establish maximum delivered prices by averaging the maximum delivered prices computed in accordance with paragraphs (a) or (b) with respect to sales from each such factory on the basis of the proportion of actual deliveries of the 1943 pack of the item to be made from each of his respective factories.

[Paragraph (c) added by Amendment 15, 8 F.R. 11806, effective 8-24-43]

§ 1341.562 *Maximum prices for distributors other than wholesalers and retailers—(a) Primary distributors.* A "primary distributor" is a distributor, other than a wholesaler or retailer, who purchases all he sells (for his own account) of the kind and brand of packed food product being priced and who customarily receives shipment from the processor of at least 50% of his purchases in carload lots delivered to a warehouse not owned or controlled by any of his customers, for resale by him in less-than-carload lots.

There are two pricing methods for primary distributors.

Pricing Method No. 1: A primary distributor may use the following pricing method only if he sold the kind of packed food product being priced as a primary distributor before April 28, 1942, and he may use it only when he is selling, in less-than-carload lots, merchandise which he has actually warehoused (in normal situations the pricing method will give him the same dollars and cents margin that he previously had):

If the processor's maximum price for the item under this regulation is greater than the processor's maximum price under the maximum price regulation previously applicable to the processor, the primary distributor shall add the difference to the maximum price which he had immediately prior to August 5, 1943. If the processor's maximum price for it under this regulation is less than the processor's maximum price under the maximum price regulation previously applicable, the primary distributor shall subtract the difference from the maximum price which he had immediately prior to August 5, 1943. However, in no event may the primary distributor's maximum price be greater than the net delivered cost (based upon purchases directly from the packer) plus a markup of 8% of that cost. The resulting figure in each case is the primary distributor's maximum price for the item when warehoused by him and sold in less-than-carload lots.

Examples: The processor's ceiling under MPR 152 for the No. 2 can of X brand tomatoes was \$1.10 a dozen. Under MPR 306, it is now \$1.335. The primary distributor therefore adds the increase of \$.235 to his own ceiling price (under GMPR).

The primary distributor handled canned tomatoes as a primary distributor before April 28, 1942. He added canned peas to his line in October 1942. Although he may use Pricing Method No. 1 for canned tomatoes, he must use Pricing Method No. 2 for canned peas.

If the primary distributor handled the kind of packed food product being priced before April 28, 1942, but did not handle the particular brand, size or container type being priced before August 5, 1943, his maximum price for the new item shall be his "net delivered cost" (based on his first purchase of the item after August 4, 1943, direct from the processor) multiplied by a mark-up factor. The mark-up factor shall be secured by dividing his maximum price (as figured under the foregoing pricing method) for the most closely comparable item of that kind of packed food product already handled by him, by the net delivered cost to him of that item. He may apply this mark-up factor only when he is selling in less-than-carload lots, merchandise which he has actually warehoused.

"Net delivered cost" means the amount paid less all discounts except the discount for prompt payment, swell and label allowances, plus all transportation charges paid except local trucking and local unloading.

Pricing Method No. 2: For all items, and sales of such items, which are not

covered by Pricing Method No. 1, the primary distributor's maximum price, f. o. b. shipping point, shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

[Paragraph (a) as amended by Amendment 19, 8 P.R. 19619, effective 12-14-43]

(b) *Distributors who are not primary distributors, wholesalers, or retailers.* The maximum price for an item, f. o. b. shipping point, of a distributor who is not a processor, primary distributor, wholesaler or retailer shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

A "distributor" is one who purchases all he sells (for his own account) of the kind and brand being priced and resells it without packing and processing any part of it.

[Paragraph (b) as amended by Amendment 19]

[§ 1341.562 added by Amendment 12, 8 P.R. 10824, effective 8-5-43]

§ 1341.562a *Restriction on packers sales to primary distributors.* No packer may sell to primary distributors a greater percentage of his 1943 pack of any item than he sold to primary distributors during the one-year period ending April 28, 1942.

[§ 1341.562a added by Amendment 12, 8 P.R. 10824, effective 8-5-43]

§ 1341.562b *Position of brokers.* In accordance with existing trade custom, every broker taking part in a sale in which the seller is a processor shall be considered as the agent of the seller and not the agent of the buyer. In each case, the amount paid by the buyer to the broker plus the amount paid by the buyer to the seller shall not exceed the seller's maximum price plus allowable transportation actually paid by the seller or by the broker.

[§ 1341.562b added by Amendment 14, 8 P.R. 11296, effective 8-12-43]

§ 1341.563 *Specific authorizations of maximum prices.* (a) If the processor is unable to establish a maximum price pursuant to the applicable pricing provisions of this regulation for any item, his maximum price shall be a price authorized by the Office of Price Administration, Washington, D. C. Such authorization may be obtained on application to the Office of Price Administration. His application shall set forth:

(1) A description in detail of the item for which a maximum price is requested including its grade, size, container type, style of pack and any other relevant factors.

(2) A statement of the facts which differentiate the item for which such authorized price is requested from the most similar item for which he has established a maximum price pursuant to this regulation, identifying the similar item and stating its maximum price.

(3) An itemized current cost breakdown of the item to be priced, showing separately, according to his own system

of accounts or regularly prepared operating statements, all major component cost factors (e. g. direct costs—raw materials, packaging materials and direct labor; indirect costs, such as indirect labor, factory overhead and selling, advertising and administrative cost, together with an explanation showing the method of allocation of the indirect cost factors; and freight if sold on a delivered basis) indicating whether each cost item is an actual or an estimated cost, and the identical current cost breakdown of the most closely comparable food commodity which contributes substantially to his total volume of business.

(4) The desired selling price for the item including a statement showing the necessity for the desired selling price, any discounts or allowances which should be made applicable to the desired price, and (for comparison) the maximum selling price, with discounts and allowances, for the second commodity included in paragraph (4) of this section.

(5) A statement of the method of distribution to be employed by the processor in marketing the new commodity (i. e. whether it is to be sold to wholesalers, retailers, consumers or other classes of purchasers). Upon receipt of such an application the Office of Price Administration will authorize the maximum price or a method of determining the maximum price for the applicant or for the sellers of the item generally including purchases for resale or for a class of such resellers. Separate maximum prices will be established for government sales.

Until a maximum price is authorized, the applicant may deliver the item but he may not render an invoice for it or receive payment.

Where any cost factor set forth in the application is an estimated amount, the processor shall file with the Office of Price Administration, Washington, D. C. within six months, but not earlier than three months after his maximum price has been authorized, a statement showing the actual cost of that factor in his production of the item prior to the filing date of such statements.

[§ 1341.563 as amended by Amendment 19, 8 P.R. 19619, effective 12-14-43]

§ 1341.564 *Treatment of fractional parts of a cent in figuring maximum prices.* (a) Amounts computed in the process of, or as a step in, figuring a maximum price (other than the maximum price itself) shall be carried to four decimal places (hundredths of a cent). Any further fraction shall be disregarded.

(b) The final computation in figuring a maximum price, per dozen or other unit, on sales other than to government procurement agencies shall be rounded off to the next higher full cent if the fraction is one-half cent or more, and shall be reduced to the next lower full cent if the fraction is less than one-half cent. On sales to government procurement agencies, however, the final computation in figuring the maximum price shall be carried to four decimal places

(hundredths of a cent) and any further fraction shall be disregarded.

[§ 1341.564 added by Amendment 15, 8 P.R. 11808, effective 8-24-43]

§ 1341.565 *Grades and invoices.* (a) The term "grade" when used in this regulation, means the grade, at the time of shipment by the processor, as established and defined by the United States Department of Agriculture.

(b) On and after May 18, 1943, each processor selling any item covered by this regulation shall furnish the purchaser, at or before the time of delivery, with an invoice describing such item and separately stating the grade thereof.

(c) The grade of the item shall be shown on the invoice by use of the United States Department of Agriculture grade designation by letter or descriptive term. For example, the grade of an item which conforms to the specifications for U. S. Grade A may be designated on the invoice "Grade A" or by the descriptive term "Fancy."

(d) In any case in which standards or definitions are established by the United States Department of Agriculture or under authority of the Federal Food, Drug, and Cosmetic Act for sirup or for packing medium for any packed fruit covered by this regulation, the statement of grade on the invoice shall show the sirup or packing medium and shall be described by the same description as that used in the applicable standard or definition.

(e) [Revoked]

[Paragraph (e) amended by Amendment 9, 8 P.R. 9291, effective 7-10-43 and revoked by Amendment 13, 8 P.R. 10996, effective 8-5-43]

(f) [Revoked]

[Paragraph (f) revoked by Amendment 13]

(g) A processor shall not be subject to any criminal penalty, civil enforcement action or suit for treble damages under the Emergency Price Control Act of 1942, as amended, for failure of an item covered by this regulation to conform to the grade designated on the invoice issued with respect thereto if (1) within 90 days prior to shipment of the item by the processor to the purchaser, the Food Distribution Administration (or any successor thereto) has issued to the processor a Certificate of Quality and Condition for Processed Fruits and Vegetables (or any similar certificate) covering a lot or lots which include such item and from which lot or lots samples have been drawn by official graders of the Food Distribution Administration (or any successor thereto) and (2) the grade designated on the invoice conforms to the grade designated on the certificate.

(h) A person who purchases an item covered by this regulation from a processor and who relies in good faith upon the grade designated on the invoice furnished to him by the processor shall not be subject to any criminal penalty or civil enforcement action under the Emer-

* Copies may be obtained upon request from the United States Department of Agriculture, Washington, D. C.

agency Price Control Act of 1942, as amended, in connection with such purchase for failure of the item to conform to the grade designated on the invoice. Such person may resell the item at the grade designated on the invoice and shall not be subject to any criminal penalty, civil enforcement action, or suit for treble damages under the Emergency Price Control Act of 1942, as amended, in connection with such resale.

(i) Nothing herein contained shall be deemed or construed to restrict or limit any of the requirements of the Federal Food, Drug, and Cosmetic Act, or any regulation enacted thereunder.

(j) The provisions of this section shall not apply to any products sold to the United States or any agency thereof.

[§ 1341.565 amended by Amendment 8, 8 F.R. 6617, effective 8-18-43 and paragraph (k) added by Amendment 9, 8 F.R. 9291, effective 7-10-43]

(k) The foregoing provisions of this section apply:

(1) To all brand owners, whether or not processors, who affix labels or cause labels to be affixed to the packed fruits or vegetables covered by this regulation, packed by them or purchased by them for resale; and

(2) To any item covered by this regulation for which grades are established by the United States Department of Agriculture.

§ 1341.566 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

[§ 1341.566 added by Amendment 12, 8 F.R. 10624, effective 8-5-43]

§ 1341.567 *Evasion.* The maximum prices set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to items covered by this regulation, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1341.568 *Discounts and allowances.* (a) Except on sales to Government procurement agencies, sellers of items cov-

ered by this regulation for which specific dollars-and-cents maximum prices are named, or whose ceilings are determined by taking a percentage of a specific dollars-and-cents maximum price or who compute their ceiling price for an item under § 1341.567, using as a base a flat dollars-and-cents maximum price, shall reduce such maximum price by the percentage of discount for prompt payment and the percentage of swell allowance customarily granted by them to each class of purchaser of such items.

(b) Except on sales to Government procurement agencies, maximum prices established by this regulation which are determined in any manner other than those outlined in the preceding paragraph shall be reduced by the discounts and allowances customarily granted by the seller to each purchaser or class of purchasers of such items.

[§ 1341.568 added by Amendment 16, 8 F.R. 12791, effective 9-17-43]

§ 1341.569 *Records.* (a) A processor who makes sales of any items covered by this regulation, after the effective date hereof, for which specific prices have been established by this regulation, shall make and shall preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, all records of the same kind as he customarily kept, relating to the prices which he charged for such items after the effective date of this regulation.

(b) A processor who makes sales of any items covered by this regulation, after the effective date hereof, for which maximum prices are to be computed by this regulation, shall preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, all his existing records which were the basis of computing such maximum prices and shall show the method used in such computations, in addition to the records required to be made and preserved by paragraph (a) of this section.

(c) A processor who makes sales of any item covered by this regulation after December 13, 1943, shall preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect all of his existing records relating to his customary allowances, discounts and other price differentials.

[Paragraph (c) added by Amendment 19]

§ 1341.569a *Reports which processors must file.* Every processor shall file with the Office of Price Administration, Washington, D. C., a statement as to all processed fruits and vegetables covered by this regulation except (1) those items for which specific dollars-and-cents maximum prices are named, (2) or whose maximum prices are determined by taking a percentage of a specific dollars-and-cents maximum price, (3) or whose maximum prices are computed under

§ 1341.567 using as a base a flat dollars-and-cents maximum price. The statement for any item shall be filed on or before December 31, 1943 or within 30 days after the maximum price for it has been established in the manner explained in § 1341.568. The statement shall be submitted in duplicate on OPA Form 635-486 (Bureau of Budget No. 08-R-709)

[§ 1341.569a added by Amendment 19, 8 F.R. 16619, effective 12-14-43]

§ 1341.570 *Transfers of business or stock in trade.* If the business, assets or stock in trade of a seller subject to this regulation are sold or otherwise transferred on and after January 28, 1943, and the transferee carries on the business, or continues to deal in the same type of processed foods, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of § 1341.569.

[§ 1341.570 added by Amendment 17, 8 F.R. 13707, effective 10-9-43]

§ 1341.571 *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

§ 1341.571a *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1341.571a added by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

§ 1341.573 *Petitions for amendment.* Persons seeking a modification of this regulation may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

[Note: Procedural Regulation No. 6 (7 F.R. 5097, 5098) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, with the exception of those which expressly prohibit such applications, and certain specific regulations listed in Revised Supplementary Order No. 9.

* 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

[Note: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1341.575 *Applicability.* The provisions of this regulation shall apply to the forty-eight states of the United States and the District of Columbia, except as otherwise provided for any item covered by this regulation.

§ 1341.577 *Definitions.* (a) When used in this regulation, the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Wholesaler" and "retailer" mean the persons respectively referred to as "wholesalers" and "retailers" in Maximum Price Regulations Nos. 421, 422, and 423.

[Subparagraph (2) added by Amendment 12, 8 F.R. 10624, effective 8-5-43]

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

§ 1341.578 *Sales for export.* The maximum price at which a person may export items covered by this regulation shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation, issued by the Office of Price Administration.

§ 1341.579 *Applicability of other maximum price regulations.* (a) The provisions of this regulation supersede the provisions of any other maximum price regulation insofar as they apply to processors of any item covered by this regulation.

§ 1341.581 *Effective date.* This Maximum Price Regulation No. 306 (§§ 1341.551 to 1341.583, inclusive) shall become effective on January 28, 1943.

[Issued January 22, 1943]

[Note: Effective dates of amendments are shown in notes following the parts affected.]

§ 1341.582 *Notification of change in maximum price.* With the first delivery after August 4, 1943 of any item covered by this regulation, in any case where a maximum price, once established pursuant thereto, is thereafter changed by amendment to the regulation or pursuant to the provisions of § 1341.586, Appendix D, the processor making such change, and distributors other than wholesalers or retailers making a corresponding change in their maximum prices, shall supply each wholesaler and retailer purchaser with written notice as set forth below:

(insert date)

* Second Revision: 8 F.R. 4132, 7662, 9008.

Notice to Wholesalers and Retailers.

Our OPA ceiling price for -----

(describe item)

has been changed under the provisions of Maximum Price Regulation No. 306. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422 or 423, you must refigure your ceiling price for the item in accordance with the applicable provisions of those regulations (see section 8 in each case). You must refigure your ceiling price on the first delivery of this item to you on or after August 8, 1943.

For a period of 90 days after making such change in the maximum price of an item, and with each shipment after the 90-day period to a person who has not made a purchase within that time, the processor shall include in each case or carton containing the item the written notice set forth above. On the outside of the unit in which the notice is enclosed, a legend shall be affixed as follows: "Notice of OPA Ceiling Price Change Enclosed."

The processor shall notify all purchasers of the item who are distributors other than wholesalers or retailers of

such change in maximum price by written notice attached to the invoice issued in connection with the first transaction with such purchaser after making such change, as follows:

(insert date)

Notice to Distributors Other Than Wholesalers or Retailers

Our OPA ceiling price for -----

(describe item)

has been changed under the provisions of Maximum Price Regulation No. 306. You are required to notify all retailers and wholesalers purchasing the item from you after August 4, 1943 of the corresponding change in your maximum price. The notice must be made in the manner prescribed in § 1341.582 of Maximum Price Regulation No. 306. However, such notification may be accomplished by delivery of notice contained in the shipping unit of the item bearing the legend "Notice of OPA Ceiling Price Change Enclosed."

[§ 1341.582 added by Amendment 11, 8 F.R. 10725, effective 7-30-43]

§ 1341.583 *Appendix A: Maximum prices for packed fruit—(a) Grapefruit juice.*

[Maximum prices in dollars per dozen containers, i. o. b. factory, except as otherwise indicated]

Col. 1 Item No.	Col. 2 State or area	Col. 3 Style of pack	Col. 4 Grade	Col. 5 Container— No. 2 Can		Col. 6 Container— No. 3 cylinder		Col. 7 Container— No. 10 Can	
				Govern- ment sales	Other sales	Govern- ment sales	Other sales	Govern- ment sales	Other sales
1	Florida and Texas.	Natural (unsweet- ened).	A or fancy.....	1.07½	1.12½	2.45	2.55	4.85	5.00
			C or standard.....	1.02½	1.07½	2.35	2.45	4.65	4.80
			Offgrade or substand- ard.....	.97½	1.02½	2.25	2.35	4.45	4.60
	California and Arizona.	Sweetened.....	A or fancy.....	1.10	1.15	2.50	2.60	5.00	5.15
			C or standard.....	1.05	1.10	2.40	2.50	4.80	4.95
			Offgrade or substand- ard.....	1.00	1.05	2.30	2.40	4.60	4.75
2	California and Arizona.	Natural (unsweet- ened).	A or fancy.....	1.17½	1.22½	2.70	2.80	5.45	5.60
			C or standard.....	1.12½	1.17½	2.60	2.70	5.25	5.40
			Offgrade or substand- ard.....	1.07½	1.12½	2.50	2.60	5.05	5.20
	California and Arizona.	Sweetened.....	A or fancy.....	1.20	1.25	2.75	2.85	5.60	5.75
			C or standard.....	1.15	1.20	2.65	2.75	5.40	5.55
			Offgrade or substand- ard.....	1.10	1.15	2.55	2.65	5.20	5.35
3	California and Arizona.	Natural (unsweet- ened).	A or Fancy.....	1.17½	1.22½	2.70	2.80	5.45	5.60
			C or Standard.....	1.07½	1.12½	2.50	2.60	4.95	5.10
			Off grade or substandard.....	.87½	.92½	1.95	2.05	3.95	4.10
	California and Arizona.	Sweetened.....	A or Fancy.....	1.20	1.25	2.75	2.85	5.60	5.75
			C or Standard.....	1.10	1.15	2.55	2.65	5.10	5.25
			Off grade or substandard.....	.90	.95	2.00	2.10	4.10	4.25

[Items (1) and (2) as amended by Amendment 2, 8 F.R. 2921, effective 1-28-43; item (3) as amended by Amendment 1, 8 F.R. 1313, effective 1-28-43]

(1) If a processor packs grapefruit juice made from grapefruit grown in any state mentioned in paragraph (a) of this section, whether or not his factory is located in the same state or any of such states, his maximum price shall be the maximum price shown in paragraph (a) of this section for the state in which the grapefruit used by him was grown.

(2) The maximum prices for grapefruit juice packed in glass, for sales other than to the government, shall be as follows:

(1) For 8 ounce glass jars, A or fancy grade, forty-two and one-half cents, for

C or standard grade, forty cents, and for off grade or substandard, thirty seven and one-half cents, less than the maximum price for the same grade and style of pack in #2 cans, in the same area.

(ii) For 16 ounce glass jars, seven and one-half cents more than the maximum price for the same grade and style of pack in #2 cans, in the same area.

(iii) For 46 ounce glass jars, seventeen and one-half cents more than the maximum price for the same grade and style of pack in #3 cylinder cans, in the same area.

[Subparagraph (3) added by Amendment 7, 8 F.R. 4840, 5266, effective 4-15-43]

(b) *Miscellaneous fruits.* (1) The miscellaneous packed fruits covered in paragraph (b) are listed below and in-

clude the packed juices and nectars of such fruits.

Apricots.
Cherries (except red sour, cocktail, brined, maraschino and glace (drained))
Figs.
Peaches, clingstone and freestone.
Pears.
Plums.
Prunes, fresh.

[Subparagraph (1) amended by Amendment 17, 8 P.R. 13707, effective 10-9-43 and Amendment 19, 8 P.R. 16619, effective 12-14-43]

(2) The processor's maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies of the items listed in paragraph (1), shall be computed by the processor by adjusting his maximum price per dozen containers, f. o. b. factory, for the 1942 pack of the same variety, style, grade and container of the particular item as follows:

Raw fruit	State	Maximum cost
Apricots	All states	1942 cost per ton as required to be computed under MPR 185 plus \$31 per ton.
Cherries (except red sour, cocktail, brined, maraschino and glace (drained))	All states	1942 cost per pound as required to be computed under MPR 185 plus \$62 per pound.
Figs, Kadota	All states	\$135.00 per ton.
Figs (except Kadota)	All states	1942 cost per ton as required to be computed under MPR 185 plus \$15 per ton.
Peaches, Clingstone	All states	\$60 per ton.
Peaches, freestone	California	\$40 per ton.
	Oregon and Washington	\$50 per ton.
	All other states	1942 cost per ton as required to be computed under MPR 185 plus \$10 per ton.
Pears	California	\$65 per ton.
	Oregon and Washington	\$75 per ton.
	All other states	1942 cost per ton as required to be computed under MPR 185 plus \$8 per ton.
Plums	California, Oregon, Washington, Idaho and Utah	\$55 per ton.
	All other States	1942 cost per ton as required to be computed under MPR 185.
Prunes, fresh	All states	\$40 per ton.

[Table amended by Amendment 16, 8 P.R. 12791, effective 9-17-43, Amendment 17, 8 P.R. 13707, effective 10-9-43 and Amendment 19, 8 P.R. 16619, effective 12-14-43]

(3) The processor's maximum price per dozen containers, f. o. b. factory, for sales of packed freestone peaches to government procurement agencies shall be computed by the processor by adjusting his maximum price per dozen containers, f. o. b. factory, for the 1942 pack of the same style, grade and container of the item as follows:

[Subparagraph (3) as amended by Amendment 19, 8 P.R. 16619, effective 12-14-43]

(i) Deduct the total 1942 raw fruit cost per dozen containers as required to be

[Subparagraph (3) as amended by Amendment 17, 8 P.R. 13707, effective 10-9-43]

(i) Deduct the total 1942 raw fruit cost per dozen containers as required to be computed under Maximum Price Regulation No. 185.

(ii) Add to the figure so obtained the 1942 raw fruit cost per dozen containers obtained by dividing the weighted average of the prices per ton or other unit, paid or contracted to be paid by the processor to the grower for the same raw fruit in 1943, based on not less than the first 75 percent of his purchases, by the dozen container yield per ton or other unit required to be used in computing the 1942 maximum price: *Provided*, That in no event shall the amount of the 1942 raw fruit cost be in excess of the amount shown in the table below in accordance with the state in which the processor's factory is located:

event shall the amount of the 1942 raw fruit cost be in excess of \$80 per ton in California; \$60 per ton in Oregon and Washington; and the 1942 cost per ton as required to be computed under Maximum Price Regulation No. 185, plus \$10 per ton, in all other states.

(iii) Multiply the figure so obtained by .96. The resulting figure shall be the processor's maximum price per dozen containers, f. o. b. factory, for sales of freestone peaches to government procurement agencies.

(4) Any processor who established a maximum price for any variety, style, grade and container of his 1942 pack of any particular item listed in paragraph (1) by the adoption of a competitor's maximum price, shall adopt the same competitor's maximum price for the 1943 pack of the same item.

(i) Where the same competitor does not pack such item in 1943, the processor shall establish his maximum price for such item by adopting his closest competitive seller's maximum price for the same variety, style, grade and container of the 1943 pack of the same item.

(5) Where the processor did not pack the same variety, style, grade, and container of any particular item listed in paragraph (1), in 1942, the maximum price of his closest competitive seller for the same variety, style, grade and container of the 1943 pack of the same item shall be the processor's maximum price.

(6) In the event that a processor cannot establish his maximum price under the provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided in § 1341.563.

[Subparagraph (6) as amended by Amendment 19, 8 P.R. 16619, effective 12-14-43]

(7) The processor's maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies of the items listed in paragraph (1), except freestone peaches, shall be 96% of the maximum prices for sales other than to government procurement agencies as established under paragraphs (2), (4) and (5).

[Paragraph (b) added by Amendment 11, 8 P.R. 10728, effective 7-30-43]

(c) *Red sour cherries.* (1) The maximum prices per dozen containers, f. o. b. factory, shall be as follows:

Item No.	Grade	Syrup content	Column 4				Column 5				Column 6			
			Region I		Region II		Region III		Region IV		Region V		Region VI	
			Sales to Government procurement agencies	Other sales	Sales to Government procurement agencies	Other sales	Sales to Government procurement agencies	Other sales	Sales to Government procurement agencies	Other sales	Sales to Government procurement agencies	Other sales	Sales to Government procurement agencies	Other sales
			No. 2 can	No. 10 can	No. 2 can	No. 10 can	No. 2 can	No. 10 can	No. 2 can	No. 10 can	No. 2 can	No. 10 can	No. 2 can	No. 10 can
1	A-Fancy	Extra Heavy	3.45	12.25	2.85	12.75	2.40	12.00	2.80	12.50	2.20	12.50	2.60	12.90
2		Heavy	3.40	12.00	2.80	12.50	2.35	11.75	2.45	12.25	2.45	12.25	2.55	12.75
3		Light	2.35	11.75	2.45	12.25	2.30	11.50	2.40	12.00	2.40	12.00	2.50	12.50
4		Water	2.30	11.50	2.40	12.00	2.25	11.25	2.35	11.75	2.35	11.75	2.45	12.25
5	C-Standard	Extra Heavy	2.25	11.25	2.35	11.75	2.20	11.00	2.30	11.50	2.30	11.50	2.40	12.00
6		Heavy	2.20	11.00	2.30	11.50	2.15	10.75	2.25	11.25	2.25	11.25	2.35	11.75
7		Light	2.15	10.75	2.25	11.25	2.10	10.50	2.20	11.00	2.20	11.00	2.30	11.50
8		Water	2.10	10.50	2.20	11.00	2.05	10.25	2.15	10.75	2.15	10.75	2.25	11.25

(2) The regions set forth in paragraph (c) (1) of this section shall be as follows:

Region I: New York and Pennsylvania.
Region II: Illinois, Michigan, Ohio and Wisconsin.
Region III: Colorado, Idaho, Montana, Oregon, Utah and Washington.

(3) The syrup contents set forth in paragraph (c) (1) of this section are defined as follows:

(i) Extra heavy, or syrup having a cut-out density of 28° or more Brix.

(ii) Heavy, or syrup having a cut-out density from 22° Brix to less than 28° Brix.

(iii) Light, or syrup having a cut-out density from 18° Brix to less than 22° Brix.

(iv) Water, or fluid having a cut-out density of less than 18° Brix.

(4) The maximum price for any grade and syrup content in No. 303 cans shall be 85% of the maximum price for the same grade and syrup content packed in No. 2 cans.

(5) The maximum price for any grade below standard shall be: In No. 2 cans, ten cents per dozen, in No. 303 cans, eight and one-half cents per dozen, and in No. 10 cans fifty cents per dozen, less than the maximum price for standard grade in the same container for the particular region.

[Paragraph (c) added by Amendment 11, 8 F.R. 10735, 11247, effective 7-30-43]

(d) **Cocktail cherries.** (1) The processor's maximum prices per dozen containers or other unit of sale of cocktail cherries, f. o. b. factory, for sales other than to government procurement agencies, shall be computed by the processor as follows:

(i) Determine the weighted average price per dozen containers or other unit of sale of cocktail cherries processed from cherries of the 1940 and 1941 crops charged by the processor, f. o. b. factory, for the same variety, style, grade, size and container during the period from July 1 through September 30, 1940 and from July 1 through September 30, 1941. "Weighted average price" shall be the total gross sales dollars charged for each variety, style, grade, size and container divided by the number of dozens of containers or other units of sale sold of such variety, style, grade, size and container. All sales contracts made in the regular course of business during the base period (July 1 through September 30, 1940 and July 1 through September 30, 1941) shall be included, regardless of the date of delivery, except sales contracts made with the United States. Sales contracts made at times other than during the base period shall not be included, even though delivery was made during the period.

(ii) Multiply the figure so obtained by 1.10.

(iii) Add to or subtract from the figure so obtained the amount of the increase or decrease, respectively, as the case may be, in the cost of raw cherries per unit of sale for the 1942 pack as compared with the 1941 pack: *Provided*,

That in no event shall the amount of any increase in the cost of raw cherries for the 1942 pack over the cost for the 1941 pack be in excess of \$56.00 per ton.

(iv) Add to the figure so obtained the difference between the 1943 raw cherry cost per unit of sale and the 1942 raw cherry cost per unit of sale: *Provided*, That in no event shall the difference between the 1943 and 1942 raw cherry costs be in excess of \$40 per ton.

The resulting figure shall be the processor's maximum price per dozen containers or other unit of sale being priced of cocktail cherries, processed from cherries of the 1943 crop, f. o. b. factory, for sales other than to government procurement agencies.

(v) In computing the adjusted raw cherry cost per unit of sale the processor shall use the same yields per ton as were obtained by him during 1941, and raw cherry costs shall be allocated to each grade and container in the same proportion as such costs were allocated to each grade and container size in 1941.

(vi) Where the processor did not pack and sell the same variety, style, grade, size and container of cocktail cherries during 1940-1941, base period set forth in (i), the maximum price of his closest competitive seller for the same variety, style, grade, size and container of cocktail cherries of the 1943 pack shall be the processor's maximum price.

(2) In the event that a processor cannot establish his maximum price under the foregoing provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price as provided in § 1341.563.

[Subparagraph (2) as amended by Amendment 19, 8 F.R. 10819, effective 12-14-43]

(3) The processor's maximum prices per dozen containers, per barrel or other

unit of sale, respectively, of cocktail cherries, f. o. b. factory, for sales to government procurement agencies, shall be 96% of the maximum prices for sales other than to government procurement agencies as established under paragraph (1).

(4) "Cocktail cherries" means brined cherries which are artificially colored, packed in water, and which are used primarily as an ingredient in canned fruit cocktail.

[Paragraph (d) added by Amendment 17, 8 F.R. 13707, effective 10-9-43]

(e) **Fruit cocktail.** (1) The processor's maximum prices per dozen containers of fruit cocktail, f. o. b. factory, for sales other than to government procurement agencies, shall be computed by the processor by adjusting his maximum price per dozen containers, f. o. b. factory, for the 1942 pack of the same variety, style, grade and container of the item as follows:

(i) Deduct the total 1942 fruit cost per dozen containers as required to be computed under Maximum Price Regulation No. 185.

(ii) Add to the figure so obtained the 1943 fruit cost per dozen containers obtained by dividing the weighted average of the prices per ton, or other unit, paid or contracted to be paid by the processor to the grower or supplier for the component fruits in 1943, based on not less than the first 75 percent of his purchases, by the dozen container yield per ton or other unit required to be used in computing the 1942 maximum price: *Provided*, That in no event shall the amount of the 1943 component fruit cost be in excess of the amounts set forth in the table below in accordance with the state in which the processor's factory is located:

Component fruit	State	Maximum cost
Cocktail cherries	All States	Where the processor of fruit cocktail purchases the processed cocktail cherry, his actual cost not to exceed his supplier's maximum price. Where the processor of fruit cocktail manufactures his own cocktail cherries, 75% of the maximum price of the nearest processor of cocktail cherries for resale as such, for the same grade and size of cherry.
Grapes	All States	\$46.75 per ton.
Peaches, freestone	California	\$50.00 per ton.
	Oregon and Washington	\$60.00 per ton.
	All other States	1942 cost per ton as required to be computed under MPR 185 plus \$10 per ton.
Peaches, clingstone	All States	\$50.00 per ton.
Pears	California	\$50.00 per ton.
	Oregon and Washington	\$75.00 per ton.
	All other States	1942 cost per ton as required to be computed under MPR 185 plus \$6 per ton.
Pineapple	All States	1942 cost as required to be computed under MPR 185.

(iii) Any processor who established a maximum price for any variety, style, grade and container of his 1943 pack of fruit cocktail by the adoption of a competitor's maximum price, shall adopt the same competitor's maximum price for the 1943 pack of the same item.

(s) Where the same competitor does not pack such item in 1943, the processor shall establish his maximum price for such item by adopting his closest competitive seller's maximum price for the

same variety, style, grade and container of the 1943 pack of the same item.

(iv) Where the processor did not pack the same variety, style, grade and container of fruit cocktail in 1942, the maximum price of his closest competitive seller for the same variety, style, grade and container of the 1943 pack of the same item shall be the processor's maximum price.

(2) In the event that a processor cannot establish his maximum price under

the foregoing provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided in § 1341.563.

[Subparagraph (2) as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(3) The processor's maximum prices per dozen containers of fruit cocktail, f. o. b. factory, for sales to government procurement agencies, shall be 96% of the maximum prices for sales other than to government procurement agencies as established under paragraph (1).

[Paragraph (e) added by Amendment 17, 8 F.R. 13707, effective 10-9-43]

(f) *Mixed fruits.* (1) The processor's maximum prices per dozen containers of mixed fruits, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

(i) For a formula consisting of a combination (by drained weight) of not less than 55% nor more than 65% diced peaches, and not less than 35% nor more than 45% diced pears, 95% of the maximum price for the same grade and container of fruit cocktail as computed under paragraph (e).

(ii) For a formula consisting of a combination (by drained weight) of not less than 50% nor more than 60% diced peaches, and not less than 30% nor more than 40% diced pears, including not less than 6% nor more than 10% grapes, 91% of the maximum price for the same grade and container of fruit cocktail as computed under paragraph (e).

(iii) Where the processor does not pack the same grade and container of fruit cocktail and mixed fruits in 1943, the maximum price of his closest competitive seller for the same grade and container of the 1943 pack of mixed fruits shall be the processor's maximum price.

(2) In the event that a processor cannot establish his maximum prices under the foregoing provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided in § 1341.563.

[Subparagraph (2) as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(3) The processor's maximum prices per dozen containers of mixed fruits, f. o. b. factory, for sales to government procurement agencies, shall be 96% of the maximum prices for sales other than to government procurement agencies as established under paragraph (1).

[Paragraph (f) added by Amendment 17, 8 F.R. 13707, effective 10-9-43]

(g) *Brined cherries.* (1) The processor's maximum price per dozen containers or other unit of sale of brined cherries, f. o. b. factory, for sales other than to government procurement agencies, shall be figured by the processor as follows: He shall:

(i) Determine the weighted average price per dozen containers or other unit of sale of brined cherries processed from cherries of the 1941 crop charged by the

processor, f. o. b. factory, for the same variety, style, grade, size and container during the first 60 days after the beginning of the 1941 pack. "Weighted average price" shall be the total gross sales dollars charged for each variety, style, grade, size and container divided by the number of dozens of containers or other units of sale sold of such variety, style, grade, size and container. All sales contracts made in the regular course of business during the base period (first 60 days after the beginning of the 1941 pack) shall be included, regardless of the date of delivery, except sales contracts made with the United States. Sales contracts made at times other than during the base period shall not be included, even though delivery was made during the period.

(ii) Multiply the weighted average price by 1.10.

(iii) Subtract from the figure so obtained the 1941 raw fruit cost per dozen containers or other unit of sale. To determine the 1941 raw cherry cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average cost for the raw cherries of the 1941 crop by dividing the total amount paid for the 1941 crop of fruit used in processing brined cherries by the total number of tons purchased and used for this purpose; and

(b) Divide the figure so obtained by the same dozen container yield (for the container size being priced) or other unit of sale yield per ton as was obtained by him for the same item during 1941. The figure obtained by this division is the 1941 raw cherry cost per dozen containers or other unit of sale being priced.

(iv) Add to the difference obtained by making the subtraction under paragraph (iii), the 1942 raw cherry cost per dozen containers or other unit of sale. To determine his 1942 raw cherry cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average cost for the 1942 crop of cherries by dividing the total amount paid for not less than the first 75% of his purchases of cherries of the 1942 crop used in processing brined cherries by the total number of tons purchased and used for this purpose. However, in no event shall the increase in the cost of raw cherries for the 1942 pack over the cost for the 1941 pack be in excess of \$56.00 per ton.

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) or other unit-of-sale yield per ton as was obtained by him for the same item during 1941. The figure obtained by this division is the 1942 raw cherry cost per dozen containers or other units of sale being priced.

(v) Add to the figure obtained by making the addition under subparagraph (iv) the difference between the 1943 raw cherry cost per dozen containers or other unit of sale and the 1942 raw cherry cost per same unit of sale. The 1943 raw cherry cost per dozen containers or other unit of sale shall be determined by the processor in the same manner as set

forth in paragraphs (iv) (a) and (iv) (b) for determining the 1942 raw cherry cost, per dozen containers or other unit of sale. However, in no event shall the increase in the cost of raw cherries for the 1943 pack over the cost of raw cherries of the 1942 pack be in excess of \$40 per ton.

The resulting figure in (v) shall be the processor's maximum price per dozen containers or other units of sale being priced for brined cherries of the 1943 crop, f. o. b. factory, for sales to purchasers other than government procurement agencies.

(2) Where the processor did not pack and sell the same variety, style, grade, size and container of brined cherries during the 1941 base period, the maximum price of his closest competitive seller for the same variety, style, size and container of brined cherries of the 1943 pack shall be the processor's maximum price.

(3) In the event that a processor cannot establish his maximum price under the provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided in § 1341.563.

(4) The processor's maximum prices per dozen containers, or other unit of sale of brined cherries, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum price for sales to purchasers other than government procurement agencies, as established under paragraph (v).

(5) "Brined cherries" means cherries packed in a solution of sulfurous acid.

[Paragraph (g) added by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(h) *Maraschino and glace (drained) cherries.* (1) The processor's maximum price per dozen containers or other unit of sale of maraschino and glace (drained) cherries, f. o. b. factory, for sales to a class of purchasers other than a government procurement agency, shall be figured as follows. He shall:

(i) Subtract from his maximum price per dozen containers or other unit of sale, to the same class of purchasers as established under section 2 (a) of the General Maximum Price Regulation the 1942 weighted average cost of brined cherries per dozen containers or other unit of sale. Processors who determined maximum prices for the cherry items listed in Maximum Price Regulation No. 262 (defined in § 1351.965 of that regulation as "fountain fruits", e.g. cherries, whole; cherries, sliced; cherries, crushed; cherries, maraschino in containers of 28 fluid ounces or larger), under the applicable provisions of that regulation, shall figure new maximum prices for such items under the provisions of this paragraph by reference to their maximum prices previously established under the General Maximum Price Regulation. These prices supersede the prices established under the General Maximum Price Regulation and Maximum Price Regulation 262. To determine the 1942 brined cherry cost per

down containers or other unit of sale, the processor shall:

(a) Figure the weighted average delivered cost for brined cherries purchased and used in processing maraschino and glace (drained) cherries during the period January 1, to March 31, 1943, by dividing the total amount paid for brined cherries purchased and used for such purpose during this period by the total number of tons or other units so purchased; and

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) or other unit yield per ton or other unit purchased as was obtained by him for the item during the period January 1, to March 31, 1943. The figure obtained by this division is the 1943 brined cherry cost per dozen containers or other unit of sale being priced.

(ii) Add to the difference figured by making the subtraction under paragraph (i) the 1943 brined cherry cost per dozen containers or other unit of sale. To determine his 1943 brined cherry cost per dozen containers or other unit of sale, the purchaser shall:

(a) Figure the 1943 delivered cost of brined cherries purchased and used in processing maraschino and glace (drained) cherries by taking the customary supplier's maximum price, f. o. b. factory for each grade of brined cherries used in processing maraschino and glace (drained) cherries as determined under this regulation, plus incoming freight; and

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) or other unit of sale, per ton or other unit purchased as was obtained by him during the period January 1 to March 31, 1943. The figure obtained by this division is the 1943 brined cherry cost per dozen containers or other unit of sale being priced.

The resulting figure in paragraph (ii) shall be the processor's maximum price per dozen containers or other unit of sale for maraschino and glace (drained) cherries of the 1943 crop, f. o. b. factory, for sales to that class of purchasers.

(2) Where the processor did not deliver or offer to deliver the item during March 1943 to a purchaser of the same class, and he is unable to price under § 1341.557 the maximum price of his closest competitive seller of maraschino and glace (drained) cherries of the 1943 pack, shall be the processor's maximum price.

(3) In the event that a processor cannot establish his maximum price under the provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C. for authorization of a maximum price, as provided in § 1341.563.

(4) The processor's maximum price per dozen containers, or other unit of sale of maraschino and glace (drained) cherries f. o. b. factory for sales to government procurement agencies shall be 96% of the maximum prices for sales to purchasers other than government pro-

urement agencies as established under paragraph (ii).

[Paragraph (h) added by Amendment 19, a P.R. 19619, effective 12-14-43]

(5) A processor who purchases raw cherries and does his own brining of cherries for use in processing maraschino and glace (drained) cherries shall determine his maximum price under paragraph (h) except that in making the subtraction under subparagraph (i) and the addition under subparagraph (ii) he shall:

(i) Subtract his 1941 weighted average raw cherry cost converted into units of the finished product; and

(ii) Add to the difference figured by making this subtraction the 1942 weighted average raw cherry cost converted into units of the finished product. However, in figuring the 1942 weighted average raw cherry cost the processor shall base his calculation on not less than the first 75% of his purchases of cherries of the 1942 crop purchased and used by him for processing maraschino and glace (drained) cherries and in no event shall the increased cost of raw cherries for the 1942 pack over the cost for raw cherries of the 1941 pack be in excess of \$56.00 per ton; and

(iii) To the figure obtained by making this addition, add the difference between the 1942 weighted average raw cherry cost converted into units of the finished product and the 1943 weighted average raw cherry cost similarly converted. However, in figuring the 1943 weighted average raw cherry cost the processor shall base his calculation on not less than the first 75% of his purchases of cherries of the 1943 crop purchased and used by him for processing maraschino and glace (drained) cherries and in no event shall the increased cost of raw cherries of the 1943 pack over the cost of raw cherries of the 1942 pack be in excess of \$40 per ton.

The resulting figure in subparagraph (iii) is the processor's maximum price per dozen containers or other units of sale of maraschino and glace (drained) cherries of the 1943 crop, f. o. b. factory, for sales to that class of purchasers.

[Subparagraph (6) added by Amendment 20, effective 12-22-43]

(i) Dried prunes in juice and prune products—(1) General. The prune products covered in this paragraph (i) are listed below:

Dried prunes in juice or syrup.
Prune juice.
Prune concentrate.
Other prune products.

"Prune products" means products made from materials which consist of dried prunes or prune concentrate to the

extent of ninety percent or more, not including any water or sugar syrup. The term shall apply only to dried prunes which have been substantially changed in form and shall not include products which have been further processed only by such operations as pitting, slicing or crushing.

"Prune concentrate" means the concentrated juice of dried prunes.

(2) Maximum prices for prune concentrate. The processor's maximum price per dozen containers or other unit of sale, f. o. b. factory, for each kind, grade and container size of prune concentrate manufactured from dried prunes of the 1943 crop, for sales to purchasers other than government procurement agencies, shall be figured by the processor as follows: He shall:

(i) Subtract from his maximum price per dozen containers or other unit of sale, f. o. b. factory, as established under Maximum Price Regulation No. 185, the total 1942 delivered prune cost per dozen containers or other unit of sale, used in producing such unit, as figured under MPR 185.

(ii) Add to the figure so obtained the 1943 dried prune cost per dozen containers or other unit of sale. To determine the 1943 dried prune cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average delivered cost for dried prunes of the 1943 crop, of the grade and size used in manufacturing the prune concentrate, by dividing the total amount paid for the 1943 crop of prunes by the number of tons or other units purchased and used for this purpose. However, in no event shall the 1943 dried prune cost exceed the Commodity Credit Corporation's resale price of dried prunes to the processor for the growing area where the prunes are produced.

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) or other unit of sale yield per ton, as was required to be used by him in computing his 1942 maximum price under Maximum Price Regulation No. 185.

The resulting figure in paragraph (ii) shall be the processor's maximum price per dozen containers, or other unit of sale being priced, for prune concentrate made from prunes of the 1943 crop, f. o. b. factory, for sales to purchasers other than government procurement agencies.

(3) Maximum prices for prune juice, dried prunes in juice or syrup, and other prune products. The processor's maximum price per dozen containers or other unit of sale, f. o. b. factory, for each kind, grade and container size of prune juice (made from either prune concentrate or dried prunes), dried prunes in juice or syrup, and other prune products manufactured from prunes of the 1943 crop, for sales to purchasers other than government procurement agencies, shall be figured by the processor as follows. He shall:

(i) Subtract from his maximum price per dozen containers or other unit of

sale, f. o. b. factory, as established under Maximum Price Regulation No. 185 the total 1942 delivered cost of dried prunes or prune concentrate, as the case may be, used in producing such unit, as figured under Maximum Price Regulation No. 185.

(ii) Add to the figure so obtained the 1943 dried prune or prune concentrate, as the case may be, cost per dozen containers or other unit of sale. To determine the 1943 dried prune or prune concentrate cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average delivered cost for prune concentrate or dried prunes of the 1943 crop of the grade and size used in manufacturing the dried prunes in juice, prune juice or other prune products by dividing the total amount paid for the 1943 crop of prunes or prune concentrate, as the case may be, by the number of tons or other units purchased and used for this purpose.

However, in no event shall the 1943 dried prune cost exceed the Commodity Credit Corporation's resale price of dried prunes to the processor for the growing areas where the prunes are produced. Where prune juice or other prune products are manufactured from prune concentrate purchased from others, the processor's 1943 cost for such item shall not exceed his supplier's maximum price as determined under this regulation, plus incoming freight.

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) or other unit of sale yield per ton or gallon, as the case may be, as was required to be used by him in computing his 1942 maximum

price under Maximum Price Regulation No. 185.

The resulting figure in paragraph (ii) shall be the processor's maximum price per dozen containers, or other unit of sale being priced, for prune juice (made from either prune concentrate or dried prunes), dried prunes in juice or syrup, and other prune products made from prunes of the 1943 crop, f. o. b. factory, for sales to purchasers other than government procurement agencies.

(4) Any processor who established a maximum price for his 1942 pack for any of the items listed in subparagraph (1), by the adoption of a competitor's maximum price, shall adopt the same competitor's maximum price for the 1943 pack of the same item.

(5) Where the same competitor does not pack such item in 1943 the processor shall establish his maximum price for such item by adopting his closest competitive seller's maximum price for the 1943 pack of the item.

(6) Where the processor did not pack the same variety, style, grade and container of any of the items listed in subparagraph (1), in March 1942, and is unable to determine a price under § 1341.557, the maximum price of his closest competitive seller for the same variety, style, grade and container of the 1943 pack of the same item shall be the processor's maximum price.

(7) In the event that a processor cannot establish his maximum price under the provisions of this regulation he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided in § 1341.563.

(8) The processor's maximum price per dozen containers, or other unit of sale of any of the items listed in subparagraph (1) for sales to government procurement agencies shall be figured as follows: He shall

(i) Multiply the resulting figure obtained in paragraphs (2) (ii) or (3) (ii), depending on the product being priced, by 96%.

(ii) Add the increased cost of dried prunes computed as follows:

(a) Determine the difference between the Commodity Credit Corporation's purchase price and resale price per ton of dried prunes of the 1943 crop, of the grade and size used in manufacturing the product, for the growing area where the prunes are produced.

(b) Divide that amount by the dozen container yield (for the container being priced) or other unit of sale yield per ton, as was required to be used by him in computing his 1942 maximum price under MPR 185. The resulting figure is the processor's increased cost of dried prunes per dozen containers or other unit of sale, which, when added to 96% of the maximum price for sales to purchasers other than to government procurement agencies, constitutes the maximum price for sales to government procurement agencies.

[Paragraph (i) added by Amendment 19, § P.R. 16610, effective 12-14-43]

§ 1341.584 Appendix B: Maximum prices for packed vegetables—(a) Peas (except blackeye, crowder, cream and field peas). (1) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

Column 1	Column 2	Column 3	Column 4	Column 5		Column 6		Column 7		Column 8	
Item No.	Variety	Sieve size	Grade	Region I		Region II		Region III		Region IV	
				No. 3 can and No. 303 glass jar (16-17 fl. oz.)	No. 10 can	No. 3 can and No. 303 glass jar (16-17 fl. oz.)	No. 10 can	No. 3 can and No. 303 glass jar (16-17 fl. oz.)	No. 10 can	No. 3 can and No. 303 glass jar (16-17 fl. oz.)	No. 10 can
1	Alaska.....	No. 1.....	A-Fancy.....	1.575	7.90	1.55	7.75	1.525	7.65	1.55	7.75
2			B-Ex. Std.....	1.425	7.15	1.40	7.00	1.375	6.90	1.40	7.00
3			C-Standard.....	1.275	6.40	1.25	6.25	1.225	6.15	1.25	6.25
4	Alaska.....	No. 2.....	A-Fancy.....	1.475	7.40	1.45	7.25	1.425	7.15	1.45	7.25
5			B-Ex. Std.....	1.325	6.65	1.30	6.50	1.275	6.40	1.30	6.50
6			C-Standard.....	1.175	5.90	1.15	5.75	1.125	5.65	1.15	5.75
7	Alaska.....	No. 3.....	A-Fancy.....	1.375	6.90	1.35	6.75	1.325	6.65	1.35	6.75
8			B-Ex. Std.....	1.225	6.15	1.20	6.00	1.175	5.90	1.20	6.00
9			C-Standard.....	1.125	5.65	1.10	5.50	1.075	5.40	1.10	5.50
10	Alaska.....	No. 4 and up.....	A-Fancy.....	1.275	6.40	1.25	6.25	1.225	6.15	1.25	6.25
11			B-Ex. Std.....	1.175	5.90	1.15	5.75	1.125	5.65	1.15	5.75
12			C-Standard.....	1.075	5.40	1.05	5.25	1.025	5.15	1.05	5.25
13	Alaska.....	Ungraded.....	A-Fancy.....	1.175	5.90	1.15	5.75	1.125	5.65	1.15	5.75
14			B-Ex. Std.....	1.075	5.40	1.05	5.25	1.025	5.15	1.05	5.25
15			C-Standard.....	1.075	5.40	1.05	5.25	1.025	5.15	1.05	5.25
16	Sweet.....	No. 1.....	A-Fancy.....	1.575	7.90	1.55	7.75	1.525	7.65	1.55	7.75
17			B-Ex. Std.....	1.425	7.15	1.40	7.00	1.375	6.90	1.40	7.00
18			C-Standard.....	1.275	6.40	1.25	6.25	1.225	6.15	1.25	6.25
19	Sweet.....	No. 2.....	A-Fancy.....	1.575	7.90	1.55	7.75	1.525	7.65	1.55	7.75
20			B-Ex. Std.....	1.425	7.15	1.40	7.00	1.375	6.90	1.40	7.00
21			C-Standard.....	1.275	6.40	1.25	6.25	1.225	6.15	1.25	6.25
22	Sweet.....	No. 3.....	A-Fancy.....	1.475	7.40	1.45	7.25	1.425	7.15	1.45	7.25
23			B-Ex. Std.....	1.325	6.65	1.30	6.50	1.275	6.40	1.30	6.50
24			C-Standard.....	1.175	5.90	1.15	5.75	1.125	5.65	1.15	5.75
25	Sweet.....	No. 4.....	A-Fancy.....	1.375	6.90	1.35	6.75	1.325	6.65	1.35	6.75
26			B-Ex. Std.....	1.225	6.15	1.20	6.00	1.175	5.90	1.20	6.00
27			C-Standard.....	1.125	5.65	1.10	5.50	1.075	5.40	1.10	5.50
28	Sweet.....	No. 5 and up.....	A-Fancy.....	1.375	6.40	1.35	6.25	1.325	6.15	1.35	6.25
29			B-Ex. Std.....	1.175	5.90	1.15	5.75	1.125	5.65	1.15	5.75
30			C-Standard.....	1.075	5.40	1.05	5.25	1.025	5.15	1.05	5.25
31	Sweet.....	Ungraded.....	A-Fancy.....	1.425	7.15	1.40	7.00	1.375	6.90	1.40	7.00
32			B-Ex. Std.....	1.225	6.15	1.20	6.00	1.175	5.90	1.20	6.00
33			C-Standard.....	1.125	5.65	1.10	5.50	1.075	5.40	1.10	5.50
34	Prince of Wales and Laxton.....	Ungraded.....	A-Fancy.....	1.475	7.40	1.45	7.25	1.425	7.15	1.45	7.25
35			B-Ex. Std.....	1.325	6.65	1.30	6.50	1.275	6.40	1.30	6.50
36			C-Standard.....	1.175	5.90	1.15	5.75	1.125	5.65	1.15	5.75

[Paragraph heading as amended by Amendment 15, 8 P.R. 11808, effective 8-24-43]

(3) The regions set forth in paragraph (a) (1) of this section shall be as follows:

Region I: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia and North Carolina.

Region II: Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, North Dakota, South Dakota, Kansas, Missouri, Oklahoma, Arkansas, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, Kentucky and Tennessee.

Region III: Montana, Idaho, Wyoming, Utah, Nevada, Colorado, Arizona, New Mexico.

Region IV: Oregon, Washington, California.

(3) The maximum price for any variety and sieve size below standard in grade shall be: In No. 2 cans or in No. 303 glass jars (16-17 fl. oz.) ten cents per dozen, and in No. 10 cans, fifty cents per dozen, less than the maximum price for standard grade of the same variety, sieve size, and container size for the particular region.

(4) Blends of sieve sizes:

(i) The maximum price for a blend of two sieve sizes of a variety and grade shall be the same as the maximum price for the largest sieve size in the blend.

(ii) The maximum price for a blend of three sieve sizes of a variety and grade in No. 2 cans or in No. 303 glass jars (16-17 fl. oz.) shall be five cents per dozen, and in No. 10 cans, twenty-five cents per dozen, more than the maximum price for the largest sieve size in the blend; except that:

(a) The maximum price for a blend of three sieve sizes of a grade of Alaska peas, No. 5 sieve size being the largest size in the blend, in No. 2 cans or in No. 303 glass jars (16-17 fl. oz.) shall be two and one-half cents per dozen, and in No. 10 cans, twelve and one-half cents per dozen, more than the maximum price for No. 4 and up sieve size of the same grade;

(b) The maximum price for a blend of three sieve sizes of a grade of Alaska peas which contains both No. 5 and No. 6 sieve sizes, shall be the same as the maximum price for No. 4 and up sieve size of the same grade; and

(c) The maximum price for a blend of three sieve sizes of a grade of sweet peas which contains both No. 5 and No. 6 sieve sizes, in No. 2 cans or in No. 303 glass jars (16-17 fl. oz.) shall be two and one-half cents per dozen, and in No. 10 cans, twelve and one-half cents per dozen, more than the maximum price for No. 5 and up sieve size of the same grade.

(iii) The maximum price for a blend of four or more sieve sizes of a variety and grade shall be the same as the maxi-

mum price for the ungraded sieve size of the same variety and grade.

(iv) In blends of two sieve sizes of a variety and grade of peas, not more than 10 percent shall consist of peas larger than the largest sieve size declared in the blend, and not more than 2 percent shall consist of peas which are two or more sieve sizes larger than the largest sieve size declared in the blend.

(v) In blends of three sieve sizes of a variety and grade of peas, not more than 5 percent shall consist of peas larger than the largest sieve size declared in the blend, and not more than 1 percent shall consist of peas which are two or more sieve sizes larger than the largest sieve size declared in the blend.

[Subparagraphs (iv) and (v) added by Amendment 19, 8 P.R. 10619, effective 12-14-43]

(5) The maximum price for a variety, sieve size (including blends) and grade of peas packed:

(i) In twelve ounce vacuum cans, shall be ten cents per dozen less than the maximum price for the same variety, sieve size and grade packed in No. 2 cans;

(ii) In No. 303 cans, shall be 85% of the maximum price for the same variety, sieve size and grade packed in No. 2 cans; and

(iii) In No. 1 cans, shall be 70% of the maximum price for the same variety, sieve size and grade packed in No. 2 cans.

(6) The word "ungraded," when used in connection with peas, refers to the sieve size and means not separated by sieve sizes.

(7) [Revoked]

[Subparagraph (7) revoked by Amendment 15, 8 P.R. 11808, effective 8-24-43]

(8) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies, shall be computed as follows:

(i) For each variety, sieve size and grade of peas in No. 2 cans, multiply the maximum price for sales other than to government procurement agencies by .96, and add to the resulting figure the amount designated for the appropriate state or portion thereof as follows:

Region and State	Cents per doz. No. 2 cans
Connecticut.....	\$0.085
Delaware.....	.0875
Maine.....	.085
Maryland.....	.0875
Massachusetts.....	.085
New Hampshire.....	.085
New Jersey.....	.070
New York.....	.085
North Carolina.....	.07
Pennsylvania.....	.085
Rhode Island.....	.085
Vermont.....	.085
Virginia.....	.080
West Virginia.....	.07

Region and State	Cents per doz. No. 2 cans
Region II:	
Alabama.....	\$0.085
Arkansas.....	.085
Florida.....	.085
Georgia.....	.085
Illinois.....	.1075
Indiana.....	.085
Iowa (Central).....	.1125
Iowa (balance of State).....	.0925
Kansas.....	.045
Kentucky.....	.1125
Louisiana.....	.085
Michigan.....	.0725
Minnesota.....	.085
Mississippi.....	.085
Missouri.....	.045
Nebraska.....	.0925
North Dakota.....	.045
Oklahoma.....	.045
Ohio.....	.085
South Carolina.....	.085
South Dakota.....	.045
Tennessee.....	.1125
Texas.....	.07
Wisconsin (Southeastern).....	.1075
Washington (balance of State).....	.095

Region III:	
Arizona.....	.085
Colorado.....	.085
Idaho (Franklin County).....	.11
Idaho (balance of State).....	.085
Montana.....	.0825
Nevada.....	.085
New Mexico.....	.07
Utah.....	.11
Wyoming.....	.08

Region IV:	
California.....	.09
Oregon.....	.085
Washington (Skagit and Snohomish Counties).....	.15
Washington (balance of State).....	.095

* Includes following counties: Hamilton, Story, Franklin, Benton.

* Includes following counties: Adams, Brown, Calumet, Columbia, Crawford, Dane, Dodge, Dorr, Fond du Lac, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Kewaunee, LaPayette, Manitowoc, Marinette, Marquette, Milwaukee, Oconto, Outagamie, Oshkosh, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Walworth, Washington, Waushara, Waupaca, Waumaha, Winnebago.

[Subparagraph (i) as amended by Amendment 19, 8 P.R. 10619, effective 12-14-43]

(ii) For each variety, sieve size and grade of peas in No. 10 cans, multiply by 5 the maximum price determined under paragraph (i) for No. 2 cans.

[Paragraph (a) added by Amendment 2, 8 P.R. 3732, effective 3-31-43 and amended by Amendment 9, 8 P.R. 9291, effective 7-10-43]

(b) Tomatoes (except Italian pear shaped tomatoes). (1) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

Column 1	Column 2	Column 3			Column 4			Column 5			Column 6			Column 7		
Item No.	Grade	Region I			Region II			Region III			Region IV			Region V		
		No. 2 Can	No. 2½ Can	No. 10 Can	No. 2 Can	No. 2½ Can	No. 10 Can	No. 2 Can	No. 2½ Can	No. 10 Can	No. 2 Can	No. 2½ Can	No. 10 Can	No. 2 Can	No. 2½ Can	No. 10 Can
1	Fancy.....	1.325	1.775	6.30	1.30	1.75	6.20	1.325	1.675	5.85	1.25	1.70	5.95	1.375	1.725	5.95
2	Extra-Standard.....	1.125	1.50	5.25	1.10	1.475	5.25	1.025	1.40	4.90	1.05	1.425	4.90	1.075	1.45	5.10
3	Standard.....	1.025	1.375	4.85	1.00	1.35	4.75	.925	1.275	4.60	.95	1.30	4.60	.975	1.325	4.60

(2) The regions set forth in paragraph (b) (1) of this section shall be as follows:

Region I: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York and Northern Pennsylvania (all of the State of Pennsylvania not included in Region II).

Region II: Delaware, Maryland, Virginia, West Virginia, New Jersey, Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, North Dakota, South Dakota, and Southern Pennsylvania (Butts, Montgomery, Philadelphia, Delaware, Chester, Lancaster, York, Cumberland, Adams, Franklin, Fulton, Bedford and Somerset Counties).

Region III: North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kansas, Oklahoma and Texas.

Region IV: Montana, Idaho, Wyoming, Colorado, Utah, New Mexico, Arizona and Nevada.

Region V: Oregon, Washington and California.

(3) The maximum price for any grade below standard shall be: In No. 2 cans, ten cents per dozen, in No. 2½ cans, seventeen and one-half cents per dozen, and in No. 10 cans, fifty cents per dozen, less than the maximum price for standard grade in the same container for the particular region.

(4) The maximum price for any grade of tomatoes packed:

(i) In No. 303 cans, shall be 85% of the maximum price for the same grade packed in No. 2 cans; and

(ii) In No. 1 cans, shall be 70% of the maximum price for the same grade packed in No. 2 cans.

(5) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies, shall be computed as follows:

(i) For each grade of tomatoes in No. 2 cans, multiply the maximum price for sales other than to government procurement agencies by .96, and add to the resulting figure the amount designated for the appropriate state or portion thereof as follows:

Region and State	Cents per doz. No. 2 Cans
Connecticut.....	\$0.1025
Maine.....	.08
Massachusetts.....	.08

Region and State	Cents per doz. No. 2 Cans
Region I—Continued.	
New Hampshire.....	\$0.08
New York (Lower Hudson River Valley and Long Island).....	.1025
New York (balance of State).....	.08
Pennsylvania (Northern).....	.08
Rhode Island.....	.08
Vermont.....	.08
Region II:	
Delaware.....	.08
Illinois.....	.085
Indiana.....	.085
Iowa.....	.085
Kentucky.....	.085
Maryland.....	.08
Michigan.....	.085
Minnesota.....	.085
Nebraska.....	.085
New Jersey.....	.08
North Dakota.....	.085
Ohio.....	.085
Pennsylvania (Southern).....	.105
South Dakota.....	.085
Tennessee.....	.085
Virginia.....	.08
West Virginia.....	.08
Wisconsin.....	.085

* Includes area lying below the city of Albany and closely adjacent to the Hudson River.

Region III:	
All States except Texas.....	\$0.045
Texas (Webb, Duval, Jim Wells, Nueces, Zapata, Jim Hogg, Brooks, Kleberg, Kennedy, Starr, Willacy, Cameron, Hidalgo, Bowie, Red River, Lamar, Fannin, Hunt, Delta, Hopkins, Franklin, Titus, Morris, Cass, Marion, Upshur, Wood, Raina, Kaufman, Van Zandt, Smith, Gregg, Harrison, Panola, Rusk, Henderson, Anderson, Cherokee, Shelby, Nacogdoches and Houston Counties).....	.11
Texas (balance of State, except counties listed above and counties listed under Texas in Region IV).....	.045
Region IV:	
All States except Idaho and Texas.....	.075
Idaho (Boundary, Bonner, Kootenai, Benewah, Latah, Nez Perce, Lewis, Idaho, Clearwater and Shoshone Counties).....	.0875
Idaho (balance of State).....	.075
Texas (Sherman, Moore, Potter, Randall, Swisher, Hale, Lubbock, Lynn, Dawson, Martin, Midland, Upton, Crockett, Terrell, and all counties in Texas west thereof).....	.075

Region and State	Cents per doz. No. 2 Cans
Region V:	
California (San Diego, Imperial, Orange, Riverside, Los Angeles, San Bernardino, and Ventura Counties, and that part of Santa Barbara County south of Gaviota Pass).....	\$0.07
California (balance of State).....	.08
Oregon.....	.0875
Washington.....	.0875

[Subparagraph (I) as amended by Amendment 19]

In California only, a processor who is eligible under the contract with Commodity Credit Corporation may add one cent per dozen for No. 2 cans for each \$1.00 per ton paid by the processor for transporting tomatoes from roadside delivery point to his processing plant in those cases where Commodity Credit Corporation has allowed an increase in the Commodity Credit Corporation purchase price to cover such transportation cost incurred.

[Above paragraph added by Amendment 19, 8 P.R. 16619, effective 12-14-43]

(ii) For each grade of tomatoes in No. 2½ cans, multiply by 1.35 the maximum price determined under paragraph (i) for No. 2 cans.

(iii) For each grade of tomatoes in No. 10 cans, multiply by 4.75 the maximum price determined under paragraph (i) for No. 2 cans.

(6) In all regions, the maximum price f. o. b. factory for sales other than to government procurement agencies, for Fancy Whole Tomatoes shall be: In No. 2 cans, \$.075 per dozen, in No. 2½ cans, \$.11 per dozen, and in No. 10 cans, \$.375 per dozen higher than the maximum prices named for "Fancy" tomatoes.

[Subparagraph (6) added by Amendment 19.]

[Paragraph (b) added by Amendment 4, 8 P.R. 3853, effective 3-27-43 amended by Amendment 9, 8 P.R. 9291, effective 7-10-43 and as otherwise noted]

(c) Corn. (1) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

Column 1	Column 2	Column 3	Column 4			Column 5			Column 6			Column 7		
Item No.	Variety and Style	Grade	Region I			Region II			Region III			Region IV		
			No. 2 Can	12 oz. Vacuum Can	No. 10 Can	No. 2 Can	12 oz. Vacuum Can	No. 10 Can	No. 2 Can	12 oz. Vacuum Can	No. 10 Can	No. 2 Can	12 oz. Vacuum Can	No. 10 Can
1	Whole grain, all varieties.....	A—Fancy.....	1.36	1.31	6.90	1.31	1.26	6.55	1.265	1.235	6.90	1.29	1.24	6.45
2		B—Ex. Std.....	1.30	1.21	6.30	1.21	1.16	6.05	1.205	1.235	6.40	1.19	1.14	6.00
3		C—Std.....	1.16	1.11	5.90	1.11	1.06	5.55	1.155	1.135	5.90	1.09	1.04	5.45
4	Cream style, except evergreen and narrow grain.....	A—Fancy.....	1.36	1.21	6.30	1.21	1.16	6.05	1.265	1.235	6.40	1.19	1.14	6.00
5		B—Ex. Std.....	1.16	1.11	5.90	1.11	1.06	5.55	1.155	1.135	5.90	1.09	1.04	5.45
6		C—Std.....	1.06	1.01	5.50	1.01	.96	5.05	1.055	1.035	5.50	.99	.94	4.95
7	Cream style, evergreen and narrow grain.....	A—Fancy.....	1.16	1.11	5.90	1.11	1.06	5.55	1.155	1.135	5.90	1.09	1.04	5.45
8		B—Ex. Std.....	1.11	1.06	5.55	1.06	1.01	5.20	1.105	1.085	5.55	.99	.94	5.00
9		C—Std.....	1.06	1.01	5.20	1.01	.96	4.65	1.055	1.035	5.00	.94	.89	4.55

(2) The regions set forth in paragraph (c) (1) of this section shall be as follows:

Region I: Maine and New Hampshire.
Region II: Ohio, Indiana, Illinois, Iowa, Nebraska, North Dakota, South Dakota,

Michigan, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Kentucky, Tennessee and that portion of Idaho not included in Region III.

Region III: Washington, Oregon, California and southwestern Idaho (Washington,

Payette, Gem, Canyon, Ada and Owyhee Counties).

Region IV: All States not included in Regions I, II and III.

(3) The maximum price for any variety and style in a grade below standard

shall be: In No. 2 cans, ten cents per dozen, and in No. 10 cans, fifty cents per dozen, less than the maximum price for standard grade in the same container for the particular region.

(4) The maximum price for any variety, style and grade of corn packed:

(i) In No. 303 cans, shall be 85% of the maximum price for the same variety, style and grade packed in No. 2 cans;

(ii) In No. 1 cans, shall be 70% of the maximum price for the same variety, style and grade packed in No. 2 cans; and

(iii) In No. 303 glass jars (16-17 fl. oz.) shall be two and one-half cents per dozen more than the maximum price for the same variety, style and grade packed in No. 2 cans.

(5) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies, shall be computed as follows:

(i) For each variety, style and grade of corn in No. 2 cans, multiply the maximum price for sales other than to government procurement agencies by .96, and add to the resulting figure the amount designated for the appropriate state or portion thereof as follows:

Region and State	Cents per dos. No. 2 Cans
Region I:	
All States.....	90.07
Region II:	
All States or portions thereof.....	.07
Region III:	
All States or portions thereof.....	.065
Region IV:	
Minnesota.....	.075
Wisconsin.....	.075
New York.....	.08
Pennsylvania.....	.09
New Jersey.....	.09
Delaware.....	.09
Maryland.....	.09

Region and State	Cents per dos. No. 2 Cans
Region IV—Continued.	
Virginia.....	90.09
Vermont.....	.135
All other States.....	.08

(ii) For each variety, style and grade of corn in 12 ounce vacuum cans, subtract \$.05 per dozen from the maximum price determined under paragraph (i) for No. 2 cans.

(iii) For each variety, style and grade of corn in No. 10 cans, multiply by 5 the maximum price determined under paragraph (i) for No. 2 cans.

[Paragraph (c) added by Amendment 5, 8 P.R. 4170, effective 3-31-43 and amended by Amendment 9, 8 P.R. 9291, effective 7-10-43]

(d) Snap beans. (1) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

Column 1	Column 2	Column 3	Column 4	Column 5			Column 6			Column 7			Column 8			Column 9			Column 10		
Item No.	Style	Sieve size	Grade	Region I—Bush beans—tin containers			Region II—Bush beans—tin containers			Region III—Bush beans—tin containers			Region IV—Bush beans—tin containers			Region V—Bush beans—tin containers			Region VI—Pole beans—tin containers		
				No. 2 Can	No. 2½ Can	No. 10 Can	No. 2 Can	No. 2½ Can	No. 10 Can	No. 2 Can	No. 2½ Can	No. 10 Can	No. 2 Can	No. 2½ Can	No. 10 Can	No. 2 Can	No. 2½ Can	No. 10 Can	No. 2 Can	No. 2½ Can	No. 10 Can
1	Whole, Regular (green or wax).	#1.....	A-Fancy.....	1.66	2.225	8.25	1.80	2.425	9.00	1.675	2.250	8.35	1.725	2.325	8.90	1.70	2.300	8.60	1.80	2.425	9.00
B-Ex. Std.....			1.55	2.100	7.75	1.70	2.300	8.00	1.575	2.125	7.85	1.625	2.200	8.00	1.60	2.150	7.80	1.70	2.300	8.50	
C-Std.....			1.45	1.950	7.25	1.60	2.150	7.50	1.475	2.000	7.35	1.525	2.050	7.60	1.50	2.025	7.50	1.60	2.150	8.00	
2	#2.....	#2.....	A-Fancy.....	1.50	2.025	7.50	1.65	2.225	8.25	1.525	2.000	7.60	1.575	2.125	7.85	1.55	2.100	7.75	1.65	2.225	8.25
B-Ex. Std.....			1.40	1.900	7.00	1.55	2.100	7.75	1.425	1.925	7.10	1.475	2.000	7.35	1.45	1.950	7.25	1.55	2.100	7.75	
C-Std.....			1.30	1.750	6.50	1.45	1.950	7.25	1.325	1.800	6.80	1.375	1.850	6.85	1.35	1.825	6.75	1.45	1.950	7.25	
3	#3.....	#3.....	A-Fancy.....	1.40	1.900	7.00	1.55	2.100	7.75	1.425	1.925	7.10	1.475	2.000	7.35	1.45	1.950	7.25	1.55	2.100	7.75
B-Ex. Std.....			1.30	1.750	6.50	1.45	1.950	7.25	1.325	1.800	6.80	1.375	1.850	6.85	1.35	1.825	6.75	1.45	1.950	7.25	
C-Std.....			1.20	1.625	6.00	1.35	1.825	6.75	1.225	1.650	6.10	1.275	1.725	6.35	1.25	1.675	6.25	1.35	1.825	6.75	
4	#4.....	#4.....	A-Fancy.....	1.30	1.750	6.50	1.45	1.950	7.25	1.325	1.800	6.80	1.375	1.850	6.85	1.35	1.825	6.75	1.45	1.950	7.25
B-Ex. Std.....			1.25	1.675	6.25	1.40	1.900	7.00	1.275	1.725	6.35	1.325	1.775	6.60	1.30	1.750	6.50	1.40	1.900	7.00	
C-Std.....			1.20	1.625	6.00	1.35	1.825	6.75	1.225	1.650	6.10	1.275	1.725	6.35	1.25	1.675	6.25	1.35	1.825	6.75	
5	#5 and up.	#5 and up.	A-Fancy.....	1.20	1.625	6.00	1.35	1.825	6.75	1.225	1.650	6.10	1.275	1.725	6.35	1.25	1.675	6.25	1.35	1.825	6.75
B-Ex. Std.....			1.15	1.550	5.75	1.30	1.750	6.50	1.175	1.675	5.85	1.225	1.650	6.10	1.20	1.625	6.00	1.30	1.750	6.50	
C-Std.....			1.10	1.475	5.50	1.25	1.675	6.25	1.125	1.600	5.90	1.175	1.575	5.85	1.15	1.550	5.75	1.25	1.675	6.25	
6	Ungraded.	Ungraded.	A-Fancy.....	1.20	1.625	6.00	1.35	1.825	6.75	1.225	1.650	6.10	1.275	1.725	6.35	1.25	1.675	6.25	1.35	1.825	6.75
B-Ex. Std.....			1.15	1.550	5.75	1.30	1.750	6.50	1.175	1.675	5.85	1.225	1.650	6.10	1.20	1.625	6.00	1.30	1.750	6.50	
C-Std.....			1.10	1.475	5.50	1.25	1.675	6.25	1.125	1.600	5.90	1.175	1.575	5.85	1.15	1.550	5.75	1.25	1.675	6.25	
7	Cut (green or wax).	#2.....	A-Fancy.....	1.45	1.950	7.25	1.60	2.150	8.00	1.475	2.000	7.35	1.525	2.050	7.60	1.50	2.025	7.50	1.60	2.150	8.00
B-Ex. Std.....			1.35	1.825	6.75	1.50	2.025	7.50	1.375	1.850	6.85	1.425	1.925	7.10	1.40	1.900	7.00	1.50	2.025	7.50	
C-Std.....			1.25	1.675	6.25	1.40	1.900	7.00	1.275	1.725	6.35	1.325	1.775	6.60	1.30	1.750	6.50	1.40	1.900	7.00	
8	#3.....	#3.....	A-Fancy.....	1.35	1.825	6.75	1.50	2.025	7.50	1.375	1.850	6.85	1.425	1.925	7.10	1.40	1.900	7.00	1.50	2.025	7.50
B-Ex. Std.....			1.25	1.675	6.25	1.40	1.900	7.00	1.275	1.725	6.35	1.325	1.775	6.60	1.30	1.750	6.50	1.40	1.900	7.00	
C-Std.....			1.20	1.625	6.00	1.35	1.825	6.75	1.225	1.650	6.10	1.275	1.725	6.35	1.25	1.675	6.25	1.35	1.825	6.75	
9	#4.....	#4.....	A-Fancy.....	1.15	1.550	5.75	1.30	1.750	6.50	1.175	1.675	5.85	1.225	1.650	6.10	1.20	1.625	6.00	1.30	1.750	6.50
B-Ex. Std.....			1.10	1.475	5.50	1.25	1.675	6.25	1.125	1.600	5.90	1.175	1.575	5.85	1.15	1.550	5.75	1.25	1.675	6.25	
C-Std.....			1.05	1.425	5.25	1.20	1.625	6.00	1.075	1.550	5.35	1.125	1.525	5.60	1.10	1.475	5.50	1.20	1.625	6.00	
10	#5 and up.	#5 and up.	A-Fancy.....	1.15	1.550	5.75	1.30	1.750	6.50	1.175	1.675	5.85	1.225	1.650	6.10	1.20	1.625	6.00	1.30	1.750	6.50
B-Ex. Std.....			1.10	1.475	5.50	1.25	1.675	6.25	1.125	1.600	5.90	1.175	1.575	5.85	1.15	1.550	5.75	1.25	1.675	6.25	
C-Std.....			1.05	1.425	5.25	1.20	1.625	6.00	1.075	1.550	5.35	1.125	1.525	5.60	1.10	1.475	5.50	1.20	1.625	6.00	
11	Ungraded.	Ungraded.	A-Fancy.....	1.15	1.550	5.75	1.30	1.750	6.50	1.175	1.675	5.85	1.225	1.650	6.10	1.20	1.625	6.00	1.30	1.750	6.50
B-Ex. Std.....			1.10	1.475	5.50	1.25	1.675	6.25	1.125	1.600	5.90	1.175	1.575	5.85	1.15	1.550	5.75	1.25	1.675	6.25	
C-Std.....			1.05	1.425	5.25	1.20	1.625	6.00	1.075	1.550	5.35	1.125	1.525	5.60	1.10	1.475	5.50	1.20	1.625	6.00	
12			A-Fancy.....	1.05	1.425	5.25	1.20	1.625	6.00	1.075	1.550	5.35	1.125	1.525	5.60	1.10	1.475	5.50	1.20	1.625	6.00
13			B-Ex. Std.....	1.00	1.375	5.00	1.15	1.575	5.75	1.075	1.500	5.25	1.100	1.475	5.45	1.05	1.425	5.35	1.15	1.575	5.75
14			C-Std.....	0.95	1.325	4.75	1.10	1.525	5.50	1.025	1.450	5.00	1.050	1.425	5.20	1.00	1.375	5.00	1.10	1.525	5.50
15			A-Fancy.....	0.95	1.325	4.75	1.10	1.525	5.50	1.025	1.450	5.00	1.050	1.425	5.20	1.00	1.375	5.00	1.10	1.525	5.50
16			B-Ex. Std.....	0.90	1.275	4.50	1.05	1.475	5.25	1.000	1.400	4.85	1.025	1.400	4.95	0.95	1.325	4.75	1.05	1.475	5.25
17			C-Std.....	0.85	1.225	4.25	1.00	1.425	5.00	0.950	1.350	4.75	0.975	1.375	4.85	0.90	1.275	4.50	1.00	1.425	5.00
18			A-Fancy.....	0.85	1.225	4.25	1.00	1.425	5.00	0.950	1.350	4.75	0.975	1.375	4.85	0.90	1.275	4.50	1.00	1.425	5.00
19			B-Ex. Std.....	0.80	1.175	4.00	0.95	1.375	4.75	0.900	1.300	4.60	0.925	1.325	4.70	0.85	1.225	4.25	0.95	1.375	4.75
20			C-Std.....	0.75	1.125	3.75	0.90	1.325	4.50	0.850	1.250	4.40	0.875	1.275	4.50	0.80	1.175	4.00	0.90	1.325	4.50
21			A-Fancy.....	0.75	1.125	3.75	0.90	1.325	4.50	0.850	1.250	4.40	0.875	1.275	4.50	0.80	1.175	4.00	0.90	1.325	4.50
22			B-Ex. Std.....	0.70	1.075	3.50	0.85	1.275	4.25	0.800	1.200	4.30	0.825	1.225	4.40	0.75	1.125	3.75	0.85	1.275	4.25
23			C-Std.....	0.65	1.025	3.25	0.80	1.225	4.00	0.750	1.150	4.10	0.775	1.175	4.20	0.70	1.075	3.50	0.80	1.225	4.00
24			A-Fancy.....	0.65	1.025	3.25	0.80	1.225	4.00	0.750	1.150	4.10	0.775	1.175	4.20	0.70	1.075	3.50	0.80	1.225	4.00
25			B-Ex. Std.....	0.60	0.975	3.00	0.75	1.175	3.75	0.700	1.100	4.00	0.725	1.125	4.10	0.65	1.025	3.25	0.75	1.175	3.75
26			C-Std.....	0.55	0.925	2.75	0.70	1.125	3.50	0.650	1.050	3.90	0.675	1.075	4.00	0.60	0.975	3.00	0.70	1.125	3.50
27			A-Fancy.....	0.55	0.925	2.75	0.70	1.125	3.50	0.650	1.050	3.90	0.675	1.075	4.00	0.60	0.975	3.00	0.70	1.125	3.50
28			B-Ex. Std.....	0.50	0.875	2.50	0.65	1.075	3.25	0.600	1.000	3.80	0.625	1.025	3.90	0.55	0.925	2.75	0.65	1.075	3.25
29			C-Std.....	0.45	0.825	2.25	0.60	1.025	3.00	0.550	0.950	3.70	0.575	0.975	3.80	0.50	0.875	2.50	0.60	1.025	3.00
30			A-Fancy.....	0.45	0.825	2.25	0.60	1.025	3.00	0.550	0.950	3.70	0.575	0.975	3.80	0.50	0.875	2.50	0.60	1.025	3.00
31			B-Ex. Std.....	0.40	0.775	2.00	0.55	0.975	2.75	0.500	0.900	3.60	0.525	0.925	3.70	0.45	0.825	2.25	0.55	0.975	2.75
32			C-Std.....	0.35	0.725	1.75	0.50	0.925	2.50	0.450	0.850	3.50	0.475	0.875	3.60	0.40	0.775	2.00	0.50	0.925	2.50
33			A-Fancy.....	0.35	0.725	1.75	0.50	0.925	2.50	0.450	0.850	3.50	0.475	0.875	3.60	0.40	0.775	2.00	0.50	0.925	2.50

(2) The regions set forth in paragraph (d) (1) of this section shall be as follows:

Region I: Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island.

Region II: New York.

Region III: Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Missouri and Kansas.

Region IV: Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, North Dakota and South Dakota.

Region V: Arizona, Montana, Wyoming, Colorado, New Mexico, Utah, Nevada and that part of Idaho not included in Region VI.

Region VI: Washington, Oregon, California, and Southwestern Idaho (Washington, Payette, Gem, Canyon, Ada and Owyhee counties).

(3) Differentials for other types of snap beans for which maximum prices are not named in paragraph (d) (1) of this section:

(i) In Regions I, II, III, IV and V, the maximum prices for pole beans shall be: In No. 2 cans, five cents per dozen, in No. 2 1/2 cans, seven and one-half cents per dozen, and in No. 10 cans twenty-five cents per dozen, higher than the maximum prices named for bush beans.

(ii) In Region VI, the maximum prices for bush beans shall be: In No. 2 cans, five cents per dozen, in No. 2 1/2 cans, seven and one-half cents per dozen, and in No. 10 cans, twenty-five cents per dozen, lower than the maximum prices named for pole beans.

(4) Differentials for other styles of pack for which maximum prices are not

named in paragraph (d) (1) of this section:

(i) The maximum prices for asparagus style, horizontal style or vertical style of pack shall be: In No. 2 cans, twenty-five cents per dozen, in No. 2 1/2 cans, thirty-two and one-half cents per dozen, and in No. 10 cans, \$1.25 per dozen, higher than the maximum prices for whole beans of the same variety and grade, as listed herein or as determined by differential under the provisions of this section.

(ii) The maximum prices for French style of pack shall be: In No. 2 cans, five cents per dozen, in No. 2 1/2 cans, seven and one-half cents per dozen, and in No. 10 cans, twenty-five cents per dozen, higher than the maximum prices for whole beans of the same variety and grade

grade, as listed herein or as determined by differential under the provisions of this section.

(5) *Blends of sieve sizes.* (1) The maximum price of a blend of two sieve sizes of a variety and grade shall be the maximum price of the largest sieve size in the blend.

(2) The maximum price of a blend of three sieve sizes containing only No. 4 sieve size and larger shall be the same as the maximum price for the same variety and grade, ungraded as to sieve size, in the same container. The maximum price of a blend of three sieve sizes of a variety and grade, which blend includes at least one sieve size which is smaller than No. 4 sieve size shall be: In No. 2 cans, five cents per dozen, in No. 2½ cans, seven and one-half cents per dozen and in No. 10 cans, twenty-five cents per dozen, more than the maximum price of the largest sieve size in the blend, packed in the same container.

(3) The maximum price of a blend of four or more sieve sizes of a variety and grade shall be the same as the maximum price for ungraded sieve size of the same variety and grade in the same container.

(4) In blends of two sieve sizes of a variety and grade of snap beans, not more than 10 per cent shall consist of snap beans larger than the largest sieve size declared in the blend, and not more than 2 per cent shall consist of snap beans which are two or more sieve sizes larger than the largest sieve size declared in the blend.

(5) In blends of three sieve sizes of a variety and grade of snap beans, not more than 5 per cent shall consist of snap beans larger than the largest sieve size declared in the blend, and not more than 1 per cent shall consist of snap beans which are two or more sieve sizes larger than the largest sieve size declared in the blend.

[Subparagraphs (iv) and (v) added by Amendment 19, 8 F.R. 10619, effective 12-14-43]

(6) The maximum price for any variety, style and sieve size (including blends) below standard in grade shall be: In No. 2 cans, ten cents per dozen, in No. 2½ cans, twelve and one-half cents per dozen, and in No. 10 cans, fifty cents per dozen, less than the maximum price for the same variety, style and sieve size (including blends) for standard grade in the same container for the particular region.

(7) The maximum price for any variety, style, sieve size (including blends) and grade of snap beans packed:

(1) In No. 303 cans, shall be 85% of the maximum price for the same variety, style, sieve size (including blends) and grade packed in No. 2 cans;

(2) In No. 1 cans, shall be 70% of the maximum price for the same variety, style, sieve size (including blends) and grade packed in No. 2 cans; and

(3) In No. 303 glass jars (16-17 fl. oz.) shall be two and one-half cents per

dozen more than the maximum price for the same variety, style, sieve size (including blends) and grade packed in No. 2 cans.

(8) The word "ungraded" when used in connection with snap beans, refers to the sieve size and means not separated by sieve sizes, and includes all blends of more than three sieve sizes.

(9) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies, shall be computed as follows:

(1) For each variety, style, sieve size (including blends) and grade of snap beans in No. 2 cans multiply the maximum price for sales other than to government procurement agencies by .96, and add to the resulting figure the amount designated for the appropriate state or portion thereof as follows:

Region and State	Cents per doz. No. 2 Cans
Region I:	
All States	\$0.15
Region II:	
New York	.06
Region III:	
Alabama	.025
Arkansas	.075
Delaware	.075
Florida	.025
Georgia	.025
Kansas	.025
Kentucky	.025
Louisiana	.025
Maryland	.075
Mississippi	.025
Missouri (McDonald, Newton, Barry, Lawrence, Stone, Christian, Greens, Taney, Webster, Douglas, Omark, Howell, Texas, Shannon, Oregon, Carter, Ripley, Butler, Stoddard, Dunklin, Femicot, Wright, New Madrid and Mississippi counties)	.075
Missouri (balance of State)	.025
New Jersey	.075
North Carolina	.025
Oklahoma (Delaware, Mayes, Wagoner, Tulsa, Cherokee, Adair, Muskogee, Sequoyah, Haskell, LeFlore,	

Item No.	Grade	State or area	Container		
			No. 2 Can	No. 2½ Can	No. 10 Can
1	A or Fancy	AR	\$1.175	\$1.475	\$6.15
2	C or Standard	AR	1.075	1.35	4.75
3	Below standard		.925	1.16	4.10

(2) (1) Maximum prices per dozen cans, f. o. b. factory, for sales to Government procurement agencies for spinach packed in the State of Maryland only before September 17, 1943 shall be as follows:

Column 1	Column 2	Column 3
Item No.	Grade	Container size
		No. 2 can No. 2½ can No. 10 can
1	A or Fancy	\$1.30 \$1.70 \$6.34
2	C or Standard	1.20 1.67 5.98
3	Below Standard	1.14 1.47 5.25

(2) (2) The maximum prices per dozen containers, f. o. b. factory, for sales to Government procurement agencies, except for sales of spinach packed in the State of Maryland only before September 17, 1943, shall be 96% of the maximum prices for sales other than to Government procurement agencies as set forth in paragraph (1) of this section.

[Paragraph (e) added by Amendment 7, 8 F.R. 4940, effective 4-15-43 and amended by Amendment 9, 8 F.R. 9291, effective 7-10-43 and Amendment 16, 8 F.R. 12791, effective 9-17-43]

Region and State	Cents per doz. No. 2 Cans
Region III—Continued.	
Oklahoma, etc.—Continued.	
Bushmataha, Choctaw and McCurtain counties	\$0.075
Oklahoma (balance of State)	.025
Pennsylvania	.075
South Carolina	.025
Tennessee	.025
Texas (Pannin, Lamar, Red River, Bowie and Cass counties)	.06
Texas (balance of State except counties listed above and counties listed under Texas in Region V)	.025
Virginia	.075
West Virginia	.075

Region IV:

All States

Region V:

All States or portions thereof

Texas (Sherman, Moore, Potter, Randall, Swisher, Hale, Lubbock, Lynn, Dawson, Martin, Midland, Upton, Crockett, Terrell, and all counties in Texas, west thereof)

Region VI:

California: pole beans

other than pole beans

All other States or portions thereof

[Subparagraph (1) as amended by Amendment 19, 8 F.R. 10619, effective 12-14-43]

(2) For each variety, style, sieve size (including blends) and grade of snap beans in No. 2½ cans, multiply by 1.35 the maximum price determined under paragraph (1) for No. 2 cans.

(3) For each variety, style, sieve size (including blends) and grade of snap beans in No. 10 cans, multiply by 5 the maximum price determined under paragraph (1) for No. 2 cans.

[Paragraph (d) added by Amendment 6, 8 F.R. 4639, effective 4-7-43 and amended by Amendment 9, 8 F.R. 9291, effective 7-10-43]

(e) *Spinach.* (1) Maximum prices per dozen containers, f. o. b. factory, for sales other than to Government procurement agencies for all spinach shall be as follows:

(f) *Asparagus*. (1) The maximum price per dozen containers, f. o. b. factory, for sales other than to government procurement agencies shall be as follows:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6			Column 7		Column 8		Column 9	
Item No.	Variety	Style	Grade	Size	California			Washington and Oregon		New Jersey		All other States	
					No. 2 Cans	No. 2 1/2 Cans	No. 10 Cans	No. 2 Cans	No. 10 Cans	No. 2 Cans	No. 10 Cans	No. 2 Cans	No. 10 Cans
1	All Green	Spears	A-Fancy	Colonial	\$2.55			\$1.475		\$1.50		\$1.50	
2				Mammoth	3.225			3.425		3.40		3.45	
3				Large	3.45			3.55		3.50		3.50	
4				Medium	3.55			3.55		3.50		3.50	
5				Small	3.275			3.155		3.10		3.05	
6		Out Spears			2.625		\$14.20	2.70	\$13.50	2.50	\$13.00	2.50	\$13.50
7	Green Tipped	Center Cuts	A-Fancy	Colonial	1.45		7.70	1.50	7.50	1.50	7.50	1.50	7.50
8		Spears		Mammoth	3.085								
9				Large	3.025								
10				Medium	3.055								
11				Small	3.025								
12	Other than All Green	Out Spears	A-Fancy		2.725								
13		Center Cuts											
14		Shed Points			1.075		5.20						
15		Soup Cuts					17.20						
16						\$2.775	5.50						

[Table amended by Amendment 15, 5 P.R., 11806, effective 8-24-43 and Amendment 19, 5 P.R. 10610, effective 12-14-43.]

(2) The maximum price for any grade below grade A or fancy shall be: In No. 2 cans, twenty cents per dozen, in No. 2 1/2 cans, thirty cents per dozen, and in No. 10 cans, one dollar, less than the maximum price per dozen for the same container, variety, style and size for grade A or fancy for the particular region.

(3) The maximum price per dozen, f. o. b. factory, for each grade of blended spears in No. 2 cans shall be the canner's maximum price per dozen, f. o. b. factory, for the 1942 pack of the same grade of blended spears, plus the sum of thirty cents per dozen in the states of California, Washington and Oregon, or the sum of twenty cents per dozen in all other States.

(4) If the processor cannot establish a maximum price for any particular variety, style, grade and size and container size of asparagus, packed in tin, under the foregoing provisions:

(i) The processor's maximum price per dozen containers, f. o. b. factory, for such variety, style, grade and size shall be his maximum price for the 1942 pack of the same variety, style, grade and size adjusted by adding 1 1/2 cents per pound in California, Oregon and Washington, and 1 cent per pound in all other states, to the raw asparagus cost required to be used in computing maximum prices for the 1942 pack of the same item; except that

(a) Any processor who established a maximum price for such variety, style, grade and size of his 1942 pack by the adoption of a competitor's maximum price shall adopt the same competitor's maximum price for the 1943 pack of the same variety, style, grade and size; and

(b) Where the same competitor does not pack such item in 1943, the processor shall establish his maximum price for the item by adopting his closest competitive seller's maximum price for the 1943 pack of the same variety, style, grade and size.

(ii) Where the processor did not pack the same variety, style, grade and size in 1943, the maximum price of his closest

competitive seller for the 1943 packs of the same variety, style, grade and size shall be the processor's maximum price for his 1943 pack of such item.

(iii) If the processor cannot establish a maximum price for such variety, style, grade and size under the foregoing provisions of subparagraph (4), or § 1341-557, he shall apply to the Office of Price Administration, Washington, D. C. for authorization of a maximum price, as provided in § 1341.553.

[Subparagraph (iii) as amended by Amendment 19, 5 P.R. 10610, effective 12-14-43]

[Subparagraph (4) added by Amendment 10, 5 P.R. 10558, effective 8-2-43 and amended by Amendment 15, 5 P.R. 11806, effective 8-24-43. Former subparagraph (4) revoked by Amendment 10]

Column 1	Column 2	Column 3	Column 4		
Item No.	Grade	State or area	Container size		
1	A or fancy	All	No. 2 Cans	No. 2 1/2 Cans	No. 10 Cans
2	C or standard	All	\$0.55	\$1.20	\$4.20
3	Below standard	All	.55	1.075	3.75
		All	.75	.95	3.30

[Table as amended by Amendment 19, 5 P.R. 10610, effective 12-14-43]

(2) The maximum price per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be 95% of the maximum price for sales other than to government procurement agencies as set forth in paragraph (1).

[Paragraph (g) added by Amendment 9, 5 P.R. 9291, effective 7-10-43]

(h) *Tomato products*. (1) The tomato products covered by the following paragraphs are tomato catsup, chili sauce, tomato puree, tomato paste, tomato juice and tomato sauce, and Italian pear shaped tomatoes.

(2) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies of the tomato products set forth in paragraph (1) shall be computed by the processor by adjusting his maximum

price per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be 95% of the maximum prices for sales other than to government procurement agencies as established under subparagraphs (1), (2), (3) or (4) (i) (ii), as the case may be.

[Subparagraph (5) added by Amendment 10, 5 P.R. 10558, effective 8-2-43]

[Paragraph (f) added by Amendment 9, 5 P.R. 9291, effective 7-10-43]

(g) *Mustard greens and turnip greens*.

(1) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

Column 1	Column 2	Column 3	Column 4
Item No.	Grade	State or area	Container size
1	A or fancy	All	No. 2 Cans
2	C or standard	All	\$0.55
3	Below standard	All	.55

price per dozen, f. o. b. factory, for the 1942 pack of the same tomato product of the same grade and in the same container as follows:

(i) Deduct the total 1942 raw tomato cost per dozen containers as required to be reported in column (8) of the report filed under Maximum Price Regulation No. 152.

(ii) Add to the figure so obtained the total raw tomato cost per dozen containers determined by dividing the resale price of the Commodity Credit Corporation for the region where the processor's factory is located by the number of dozens of containers obtained per ton of raw tomatoes as required to be reported in column (5) of the report filed under Maximum Price Regulation No. 152.

(3) The processor's maximum price per dozen No. 10 cans of tomato catsup, regardless of the provisions of paragraph (2), shall be at least equal to his maxi-

maximum price per dozen for the same grade in 14 ounce bottles (determined under paragraph (2)) multiplied by 6.5.

(4) Any processor who established a maximum price for any grade and size of his 1942 pack of any particular tomato product set forth in paragraph (1) by the adoption of a competitor's maximum price shall adopt the same competitor's maximum price for the 1943 pack of the same product, grade and size.

(i) Where the same competitor does not pack such product in 1943, the processor shall establish his maximum price for such product by adopting his closest competitive seller's maximum price for the same grade and size of the 1943 pack of the same product.

(ii) Where the processor did not pack the same grade and size of any of such products in 1942, the maximum price of his closest competitive seller for the same grade and size of the 1943 pack of the same product shall be the processor's maximum price.

(5) In the event that a processor cannot establish a maximum price for any grade or size of any such tomato product under the provisions of the regulation he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided in § 1341.563.

[Subparagraph (5) as amended by Amendment 10, 8 F.R. 10619, effective 12-14-43]

(6) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be:

(i) 96 percent of the maximum price for sales other than to government procurement agencies as established under paragraphs (2) and (4), respectively, plus

[Subparagraph (i) as amended by Amendment 15, 8 F.R. 11806, effective 8-24-43]

(ii) The increased cost of raw tomatoes computed as follows:

(a) Determine the amount of the difference between the Commodity Credit Corporation's purchase price and resale price per ton of raw tomatoes for the area where the processor's factory is located.

(b) Divide that amount by the number of dozens of containers obtained per ton of raw tomatoes as required to be reported in column (5) of the report filed under Maximum Price Regulation No. 152.* The resulting figure is the processor's increased cost of raw tomatoes per dozen containers, which, when added to 96% of the maximum price for sales other than to government procurement agencies, constitutes the maximum price for sales to government procurement agencies.

(7) The processor's maximum price per dozen No. 10 cans of tomato catsup for sales to government procurement agencies, regardless of the provisions of paragraph (6), shall be at least equal to his maximum price per dozen for the

same grade in 14 ounce bottles (determined under paragraph (6)) multiplied by 6.5, for tomato catsup packed in all states except Ohio and Indiana, and by 6.9 for tomato catsup packed in Ohio and Indiana.)

[Subparagraph (7) added by Amendment 15, 8 F.R. 11806, effective 8-24-43 and amended by Amendment 1, 8 F.R. 12791, effective 9-17-43]

[Paragraph (h) added by Amendment 9, 8 F.R. 9291, effective 7-10-43]

[§ 1341.564 added by Amendment 3, 8 F.R. 3732, effective 3-31-43]

(i) **Sauerkraut.** (1) The processor's maximum prices per dozen containers or other unit of sale of sauerkraut manufactured from cabbage of the 1943 crop, f. o. b. factory, for sales to other than government procurement agencies, shall be figured by the processor as follows. He shall:

(i) Determine the weighted average price per dozen containers or other unit of sale of sauerkraut charged by the processor, f. o. b. factory, for the same grade and container during the period from December 1, 1941, through March 31, 1942. "Weighted average price" means the total gross sales dollars charged for each grade and container divided by the number of dozens of containers or other units of sale sold of such grade and container. All sales contracts made in the regular course of business during the base period (December 1, 1941 through March 31, 1942) shall be included, regardless of the date of delivery, except sales contracts made with the United States. Sales contracts made at times other than during the base period shall not be included even though delivery was during the base period.

(ii) Subtract from the weighted average price figured under (i) the 1941 raw cabbage cost per dozen containers or other unit of sale. To determine the 1941 raw cabbage cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average cost for cabbage of the 1941 crop by dividing the total amount paid for cabbage of the 1941 crop used in manufacturing sauerkraut by the total number of tons purchased; and

(b) Divide the figure so obtained by the dozen-container yield (for the container size being priced) or other unit of sale yield per ton as was obtained by him for the same item during the period from December 1, 1941 through March 31, 1942. The figure obtained by this division is the 1941 raw cabbage cost per dozen containers or other unit of sale being priced.

(c) If a processor is unable accurately to figure his weighted average cost for cabbage of the 1941 crop under subdivisions (a) and (b) for the reason that he has insufficient records as to his container-yield for the period December 1, 1941 through March 31, 1942, he shall determine his 1941 raw material costs on the basis of the following yields:

Container sizes and

Bulk sales:		Yield per ton
No. 10 cans.....	30 cases (18 dozen)	
No. 2½ cans.....	30 cases (60 dozen)	
45 gallon barrels.....	3.00 barrels	
Bulk sauerkraut.....	135 gallons	

For sauerkraut packed in any other container type or size, the processor shall figure his 1941 yield on the basis of the bulk yield per ton.

[Subdivision (c) added by Amendment 20, effective 12-22-43]

(iii) Add to the difference figured by making the subtraction under (ii) the 1943 raw cabbage cost per dozen containers or other unit of sale. To determine the 1943 raw cabbage cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average cost for cabbage of the 1943 crop by dividing the total amount paid for not less than the first 75% of his purchases of cabbage of the 1943 crop used in manufacturing sauerkraut by the total number of tons so purchased: *Provided*, That in no event shall the 1943 raw cabbage cost exceed \$22.00 per ton; and

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) or other unit of sale yield per ton which was used by him in figuring his 1941 weighted average raw cabbage cost under subdivision (ii). The figure obtained by this division is the 1943 raw cabbage cost per dozen containers or other units of sale being priced.

[Subdivision (b) as amended by Amendment 20, effective 12-22-43]

(2) For sauerkraut sold in wooden barrels or wooden kegs furnished by the processor, he shall increase the maximum price figured under (1) by the amount per unit of sale of his actual increase in cost after March 31, 1942 for the particular type and size of barrel or keg: *Provided*, That in no event shall such increase for 45 gallon or larger barrels be in excess of \$1.50 per barrel. To figure the increase in barrel and keg cost after March 31, 1942, the processor shall subtract from the weighted average price paid per barrel or keg from April 1, 1942, to the date of calculation of his maximum price under this regulation, the highest price paid for the same size barrel or keg during the period from December 1, 1941 through March 31, 1942.

(3) Where the processor did not pack and sell the same grade and container of sauerkraut during the period from December 1, 1941 through March 31, 1942, the maximum price of his closest competitive seller for the same grade and container of sauerkraut manufactured from cabbage of the 1943 crop shall be the processor's maximum price.

(4) In the event that a processor cannot establish his maximum price under the foregoing provisions of this regulation he shall apply to the Office of Price

* 7 F.R. 3895, 3963, 4453, 5138, 5363, 6219, 6265, 6472, 6648; 8 F.R. 1133, 2097, 8075.

Administration, Washington, D. C., for authorization of a maximum price under § 1341.563. Separate maximum prices will be authorized for sales to government procurement agencies and all other sales.

Until a maximum price is established, the applicant may deliver the item but he may not receive payment or render an invoice for it.

(5) The processor's maximum prices per dozen containers or other unit of sale of sauerkraut, f. o. b. factory, for sales to government procurement agencies, shall be 96% of the maximum prices for sales other than to government procurement agencies as established under subparagraphs (1), (2) and (3).

(6) "Sauerkraut" means all cabbage to which salt has been added and in which fermentation has started, including but not limited to "kraut", "sliced cabbage", "salted cabbage", "table salad" and "table slaw".

[Paragraph (1) added by Amendment 18, 8 F.R. 14577, effective 10-25-43]

(j) **Sweet potatoes.** (1) The processor's maximum price per dozen containers, f. o. b. factory, for sales to purchasers other than government procurement agencies, of each kind, grade and container type and size of sweet potatoes shall be figured by the processor as follows: He shall:

(i) Determine the weighted average price per dozen containers or other unit of sale of sweet potatoes charged by the processor, f. o. b. factory, for each grade and container size during the first 60 days after the beginning of the 1941 pack. "Weighted average price" means the total gross sales dollars charged for each grade and container size divided by the number of dozen of containers or other units of sale sold of such grade and container. All sales contracts made in the regular course of business during the base period (first 60 days after the beginning of the 1941 pack) shall be included, regardless of the date of delivery, except sales contracts made with government procurement agencies. Sales made at times other than during the base period shall not be included even though delivery was made during the base period.

(ii) Multiply the weighted average price figured under (i) by 1.08.

(iii) Subtract from the weighted average price as adjusted under (ii) the 1941 raw sweet potato cost per dozen containers or other unit of sale. To determine the 1941 raw sweet potato cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average cost of sweet potatoes of the 1941 crop delivered to the processor's customary receiving point, by dividing the total amount paid for sweet potatoes of the 1941 crop used in packing the commodity by the total number of bushels or other units purchased and used for this purpose.

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) as was obtained by him for the same item during

the packing of the 1941 crop of sweet potatoes. The figure obtained by this division is the 1941 raw sweet potato cost per dozen containers or other unit of sale being priced.

(iv) Add to the difference figured by making the subtraction under paragraph (iii) the 1943 raw sweet potato cost per dozen containers or other unit of sale. To determine the 1943 raw sweet potato cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average cost for sweet potatoes of the 1943 crop by dividing the total amount paid for not less than the first 75% of his purchases of sweet potatoes of the 1943 crop used in packing the commodity by the total number of bushels or other units purchased and used for this purpose. However, in no event shall the 1943 raw sweet potato cost exceed 90 cents per 50-pound bushel delivered at processor's customary receiving point; and

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) as was obtained by him for the same item during the packing of the 1941 crop of sweet potatoes. The figure obtained by this division is the 1943 raw sweet potato cost per dozen containers or other unit of sale being priced.

The resulting figure in paragraph (iv) shall be the processor's maximum price per dozen container or other unit of sale being priced for sweet potatoes of the 1943 crop, f. o. b. factory, for sales to purchasers other than government procurement agencies.

(2) Where the processor did not pack and sell the same grade and container of sweet potatoes during the base period, 1941, and is unable to determine a price under § 1341.557 the maximum price of his closest competitive seller for the same grade and container of sweet potatoes of the 1943 crop shall be the processor's maximum price.

(3) In the event that a processor cannot establish his maximum price under the provisions of this regulation he shall apply to the Office of Price Administration, Washington, D. C. for authorization of a maximum price as provided in § 1341.563.

(4) The processor's maximum price per dozen containers or other unit of sale of sweet potatoes, f. o. b. factory, for sales to government procurement agencies, shall be 96% of the maximum price for sales to purchasers other than government procurement agencies as established under paragraph (iv).

[Paragraph (j) added by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(k) **Mushrooms.** (1) The processor's maximum price per dozen containers, f. o. b. factory, for sales to purchasers other than government procurement agencies of each kind, grade, and container type and size of mushrooms of the 1943 fall crop or later shall be figured by the processor as follows: He shall:

(i) Determine the weighted average price per dozen containers or other unit of sale of mushrooms charged by the

processor, f. o. b. factory, for each grade and container size during the period October 10 to December 10, 1941. "Weighted average price" means the total gross sales dollars charged for each kind, grade and container type and size divided by the number of dozen of containers or other units of sale, sold of such kind, grade and container type and size. All sales made in the regular course of business during the base period (October 10 to December 10, 1941) shall be included, regardless of the date of delivery, except sales contracts made with government procurement agencies. Sales made at times other than during the base period shall not be included even though delivery was made during the base period.

(ii) Multiply the weighted average price figured under (i) by 1.08.

(iii) Subtract from the weighted average price as adjusted under paragraph (ii) the 1941 raw mushroom cost per dozen containers or other unit of sale. To determine the 1941 raw mushroom cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average cost of mushrooms for the year 1941 by dividing the total amount paid for mushrooms in 1941 used in packing the commodity by the total number of pounds or other units purchased and used for this purpose.

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) as was obtained by him during 1941.

(iv) Add to the difference figured by making the subtraction under paragraph (iii) the 1943 fall crop raw mushroom cost per dozen containers. To determine the 1943 fall crop, raw mushroom cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average cost of mushrooms of the 1943 fall crop, by dividing the total amount paid for mushrooms purchased and used in processing packed mushrooms during the first 15 days after the beginning of the 1943 fall pack, by the total number of pounds or other units purchased and used for such purpose. However, in no event shall the cost of the 1943 fall crop of raw mushrooms exceed \$1.50 per 3 pound basket.

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) as was obtained by him during 1941. The figure obtained by making this division is the 1943 fall crop, raw mushroom cost per dozen containers or other unit of sale being priced.

The resulting figure in paragraph (iv) shall be the processor's maximum price per dozen containers or other unit of sale being priced, for mushrooms of the 1943 fall crop or later, f. o. b. factory, for sales to purchasers other than government procurement agencies.

(2) Where the processor did not pack and sell the same variety, style, grade and container during the 1941 base period set forth in paragraph (1), and is unable to determine a price under § 1341.557 the maximum price of his

closest competitive seller for the same variety, style, grade and container of the 1943 fall pack shall be the processor's maximum price.

(3) In the event that a processor cannot establish his maximum price under the foregoing provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C. for authorization of a maximum price, as provided in § 1341.563.

(4) The processor's maximum price per dozen containers, or other unit of sale of mushrooms, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum price for sales other than to government procurement agencies as established under paragraph (iv).

[Paragraph (k) added by Amendment 19, 8 F.R. 10619, effective 12-14-43]

§ 1341.585 *Appendix C: Maximum prices for certain miscellaneous packed vegetables.* (a) The miscellaneous packed vegetables listed below include the packed juices of such vegetables. The miscellaneous packed vegetables covered in this section are as follows:

[Section heading and paragraph (a) as amended by Amendment 19, 8 F.R. 10619, effective 12-14-43]

Group I:

Artichokes
Bamboo sprouts
Bean sprouts
Celery
Fresh cucumbers
Hominy
Okra
Onions
Parsnips
Peas, blackeye, crowder, cream and field
Peppers
Pickles
Pimientos
Pumpkins
Rhubarb
Squash
Turnips
Vegetable greens (except spinach, mustard greens and turnip greens)

Group II:

Beans, fresh shelled
Beans, Lima (fresh)
Beets
Carrots

Group III:

Mixed vegetables or mixed vegetable juices

[List amended by Amendment 10, 8 F.R. 10556, effective 8-2-43 and Amendment 15, 8 F.R. 11806, effective 8-24-43]

(1) *Maximum prices for vegetables and vegetable juices in Group I.* (i) The processor's maximum price per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be the processor's maximum price for the 1942 pack for the same variety, style, grade and container size of the same item, plus 20% of the raw vegetable cost per dozen as required to be reported in column (8) of the report filed under Maximum Price Regulation No. 152.

(ii) The processor's maximum price per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum price for sales other than to government

procurement agencies as established under paragraph (i).

(2) *Maximum prices for vegetables and vegetable juices in Group II.* (i) The processor's maximum price per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be computed by the processor by adjusting his maximum price per dozen, f. o. b. factory, for the 1942 pack of the same variety, style, grade and container as follows:

(a) Deduct the total 1942 raw vegetable cost per dozen containers as required to be reported in Column (8) of the report filed under Maximum Price Regulation No. 152.

(b) Add to the figure so obtained the total raw vegetable cost per dozen containers determined by dividing the applicable support price of the War Food Administration for the area where the processor's factory is located by the number of dozens of containers obtained per ton of raw vegetable as required to be reported in column (5) of the report filed under Maximum Price Regulation No. 152. *Provided*, That for fresh shelled beans use the support price of the War Food Administration for snap beans for the area where the processor's factory is located: *And provided further*, That where the processor purchases any of the raw vegetables in Group II in a support price area other than that in which his factory is located, he shall use the applicable support price for the area in which the raw vegetable was grown with respect to the quantities so purchased, and he may add with respect to such quantities the actual cost of transportation to his factory at the lowest contract or common carrier rate available.

[Proviso added by Amendment 15, 8 F.R. 11806, effective 8-24-43]

(ii) The processor's maximum price per dozen containers, f. o. b. factory, for sales to government procurement agencies, shall be 96% of the maximum price for sales other than to government procurement agencies as established under paragraph (i).

(3) *Maximum prices for mixed vegetables and mixed vegetable juices (Group III).* (i) The processor's maximum price per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be his maximum price for the same item of the 1942 pack, adjusted for the difference in raw vegetable cost, to be computed as provided herein. The difference in cost shall be separately computed for each vegetable in the combination, as follows:

(a) For raw vegetables in Group I, increase the raw vegetable cost for such vegetables required to be used in computing maximum prices for the 1942 pack, by 20%.

(b) For raw vegetables in Group II, deduct the raw vegetable cost for such vegetables required to be used in computing maximum prices for the 1942 pack and add the 1943 raw vegetable cost for such vegetables, obtained by dividing the applicable support price of the War Food Administration for the area in

which the processor's factory is located by the dozen container yield per ton required to be used in computing the 1942 maximum price.

(c) For raw vegetable cost of corn, peas, snap beans or tomatoes used in the item, deduct the raw vegetable cost for such vegetables required to be used in computing the maximum prices for the 1942 pack, and add the 1943 raw vegetable cost for such vegetables, obtained by dividing the resale price of the Commodity Credit Corporation for the area in which the processor's factory is located by the dozen container yield per ton required to be used in computing the 1942 maximum prices.

(ii) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum prices for sales other than to government procurement agencies, except that for any item containing corn, peas, snap beans or tomatoes, the processor shall add the amount of the difference between the Commodity Credit Corporation's purchase price and resale price per ton of such raw vegetable for the area where the processor's factory is located, divided by the dozen container yield per ton required to be used in computing the 1942 maximum prices.

(4) *Maximum prices for vegetables and vegetable juices in Groups I, II and III in certain instances.* (i) Any processor who established a maximum price for any variety, style, grade and container of his 1942 pack of any particular item in Group I, II or III by the adoption of a competitor's maximum price, shall adopt the same competitor's maximum price for the 1943 pack of the same item.

(a) Where the same competitor does not pack such item in 1943, the processor shall establish his maximum price for such item by adopting his closest competitive seller's maximum price for the same variety, style, grade and container of the 1943 pack of the same item.

(ii) Where the processor did not pack the same variety, style, grade and container of any particular item in Group I, II or III in 1942, the maximum price of his closest competitive seller for the same variety, style, grade and container of the 1943 pack of the same item shall be the processor's maximum price.

(iii) In the event that a processor cannot establish his maximum price under the foregoing provisions of the regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided in § 1341.563.

[Subparagraph (iii) as amended by Amendment 19, 8 F.R. 10619, effective 12-14-43]

[§ 1341.585 added by Amendment 9, 8 F.R. 9291, effective 7-10-43]

§ 1341.586 *Appendix D: Adjustment of maximum prices for approved increases in wage rates.* (a) Processors whose factories are located in the States or portions thereof listed below, shall adjust their maximum prices for sales to government procurement agencies, computed under the foregoing provisions

of this regulation, for the following items, by multiplying such maximum prices by the figure indicated for each such State or portion thereof.

(1) *Peas (except black-eye, crowder, cream and field peas).*

Region	State	Grade	Multiply maximum price by		
			Alaska	Sweet	Laxton and Prince of Wales
I	Delaware, Maryland, New Jersey, New York, and Pennsylvania.	Fancy.....	1.02	1.025	1.03
		All other.....	1.02	1.02	1.03
II	Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin.	Fancy.....	1.025	1.025	1.03
		All other.....	1.03	1.03	1.03
III	Colorado, Idaho, Utah, and Wyoming.	Fancy.....	1.02	1.02	1.03
		All other.....	1.025	1.02	1.03
IV	California, Oregon and Washington.	Fancy.....	1.03	1.02	1.03
		All other.....	1.025	1.02	1.03

(2) *Tomatoes (except Italian pear shaped tomatoes).*

Region	States	Grade	Multiply maximum price by
I	New York, Pennsylvania (those counties not included in Region II)...	Fancy.....	1.025
		All other.....	1.040
II	Delaware, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, Ohio, Pennsylvania (Bucks, Montgomery, Philadelphia, Delaware, Chester, Lancaster, York, Cumberland, Adams, Franklin, Fulton, Bedford and Somerset Counties only) and Wisconsin.	Fancy.....	1.045
		All other.....	1.045
IV	Colorado, Idaho, Utah, and Wyoming.	Fancy.....	1.040
		All other.....	1.040
V	California, Oregon and Washington.	Fancy.....	1.040
		All other.....	1.040

(3) *Corn.*

Region	States	Grade	Multiply maximum price by	
			Cream Style	Whole Kernel
II	Colorado, Idaho (portion of state not included in Region III), Illinois, Indiana, Iowa, Ohio, Michigan, Nebraska, Utah, and Wyoming.	Fancy.....	1.030	1.025
		All other.....	1.035	1.040
III	California, Idaho (Southwestern-Washington, Payette, Gem, Canyon, Ada and Owyhee Counties), Oregon, Washington.	Fancy.....	1.030	1.025
		All other.....	1.030	1.025
IV	Delaware, Maryland, Minnesota, New Jersey, New York, Pennsylvania and Wisconsin.	Fancy.....	1.030	1.030
		All other.....	1.035	1.045

(4) *Snap beans.*

Region	States	Grade	Multiply maximum price by	
			Cut	Whole
II	New York	Fancy.....	1.025	1.020
		All other.....	1.030	1.015
III	Delaware, Maryland, New Jersey, Pennsylvania.	Fancy.....	1.020	1.020
		All other.....	1.025	1.030
IV	Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio and Wisconsin.	Fancy.....	1.025	1.020
		All other.....	1.040	1.040
V	Colorado, Idaho (portion of state not included in Region VI), Utah, and Wyoming.	Fancy.....	1.030	1.035
		All other.....	1.025	1.045
VI	California, Idaho (Southwestern-Washington, Payette, Gem, Canyon, Ada, and Owyhee Counties), Oregon and Washington.	Fancy.....	1.030	1.035
		All other.....	1.025	1.025

[Subparagraphs (1), (2), (3), and (4) amended by Amendment 15, 8 F. R. 11806, effective 3-24-43, Amendment 16, 8 F. R. 12791, effective 9-17-43, Amendment 18, 8 F. R. 14577, effective 10-25-43 and Amendment 19]

(b) Processors whose factories are located in the States or portions thereof listed below, shall adjust their maximum prices for the following items, for sales to government procurement agencies and for other sales, respectively, by multiplying the maximum prices established under the foregoing provisions of this regulation by the figure indicated

for each such State or portion thereof:

(1) *Spinach, mustard greens and turnip greens.*

State	Grade	Multiply maximum price by
California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Utah, Washington, Wisconsin and Wyoming.	All ...	1.045

(1) The adjustment provided in subparagraph (1) shall not be applicable to sales of spinach packed in the state of Maryland before September 17, 1943, to government procurement agencies for which maximum prices are established under § 1341.584 (e) (2) (1).

[Paragraph (1) added by Amendment 18, 8 F. R. 14577, effective 10-25-43]

(2) *Asparagus.*

State	Variety and grade	Multiply maximum price by
California	All ...	1.03
Oregon and Washington	All ...	1.03
Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Utah, Wisconsin and Wyoming.	All ...	1.04

[Subparagraphs (1) and (2) amended by Amendment 15, 8 F. R. 11806, effective 3-24-43, Amendment 16, 8 F. R. 12791, effective 9-17-43 and Amendment 18, 8 F. R. 14577, effective 10-25-43]

(3) *Red sour cherries.*

State	Grade	Multiply maximum price by
Colorado, Idaho, Illinois, Michigan, New York, Ohio, Oregon, Pennsylvania, Utah, Washington, Wisconsin and Wyoming.	All ...	1.035

[Subparagraph (3) added by Amendment 11, 8 F. R. 10725, effective 7-30-43 and amended by Amendment 16, 8 F. R. 12791, effective 9-17-43 and Amendment 18, 8 F. R. 14577, effective 10-25-43]

(c) Processors whose factories are located in the States or portions thereof listed below shall adjust their maximum prices established under the foregoing provisions of this regulation for sales of the items designated to government procurement agencies if they have incurred wage rate increases approved by the War Labor Board. Such adjustments are to be made only when the wage rate increases become effective after January 1, 1943. The adjustments are to be made for any item listed below, but only when 50% or more of the processor's pack of the particular item was made after the effective date of the wage rate increase. Such adjustments are to be made by multiplying the maximum prices for sales to government procurement agencies by the figure indicated for each such State or portion thereof.

[Paragraph (c) as amended by Amendment 19]

(1) *Tomato juice.*

State:	Multiply maximum price by
New York, Pennsylvania (those counties not included in the group of states beginning with Illinois and ending with Wisconsin)	1.04
Delaware, Maryland and New Jersey	1.035

(1) *Tomato juice*—Continued.

State:	Multiply maximum price by
Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, Pennsylvania (Bucks, Montgomery, Philadelphia, Delaware, Chester, Lancaster, York, Cumberland, Adams, Franklin, Fulton, Bedford, and Somerset Counties only) and Wisconsin	1.045
California, Colorado, Idaho, Oregon, Utah, Washington, and Wyoming	1.02

(2) All tomato products set forth in § 1341.584 (h), except tomato juice.

California, Colorado, Idaho, Oregon, Utah, Washington and Wyoming	1.02
Delaware, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania and Wisconsin	1.04

[Subparagraphs (1) and (2) amended by Amendment 15, 8 F.R. 11806, effective 8-24-43; Amendment 16, 8 F.R. 12791, effective 9-17-43, Amendment 18, 8 F.R. 14577, effective 10-25-43, and Amendment 19]

(3) *Peaches, clingstone.*

State	Grade	Multiply maximum price by
California	All	1.03

(4) *Peaches, freestone, and pears.*

State	Grade	Multiply maximum price by
California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Utah, Washington, Wisconsin and Wyoming	All	1.035

[Subparagraphs (3) and (4) added by Amendment 11, 8 F.R. 10725, effective 7-30-43 and amended by Amendment 15, 8 F.R. 11806, effective 8-24-43, Amendment 16, 8 F.R. 12791, effective 9-17-43 and Amendment 19]

(d) Processors whose factories are located in the States or portions thereof listed below shall adjust their maximum prices established under the foregoing provisions of this regulation for sales of the items designated to government procurement agencies and also their maximum prices for other sales if they have incurred wage rate increases approved by the War Labor Board. Such adjustments are to be made only when the wage rate increases become effective after January 1, 1943. The adjustments are to be made for any item listed below, but only when 50% or more of the processor's pack of the particular item was made after the effective date of the wage rate increase. Such adjustments are to be made for sales to gov-

ernment procurement agencies by multiplying the maximum price for such sales by the figure indicated for each state or portion thereof, and such adjustments are to be made for sales other than to government procurement agencies by multiplying the maximum prices for such sales by the same figure.

[Paragraph (a) as amended by Amendment 19]

(1) All miscellaneous vegetables set forth in Groups I, II and III in § 1341.585 (a) and sweetpotatoes set forth in § 1341.584 (j).

State:	Multiply maximum prices by
California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Utah, Washington, Wisconsin and Wyoming	1.045

[Subparagraph (1) amended by Amendment 15, 8 F.R. 11806, effective 8-24-43, Amendment 16, 8 F.R. 12791, effective 9-17-43, Amendment 18, 8 F.R. 14577, effective 10-25-43 and Amendment 19, 8 F.R. 10619, effective 12-14-43]

(2) *Apricots, cherries (except red sour), brined cherries, cocktail cherries, dried prunes in juice and prune products, figs, fruit cocktail, mixed fruits, plums and fresh prunes.*

State	Grade	Multiply maximum price by
California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Utah, Washington, Wisconsin and Wyoming	All	1.035

Except that for apricots multiply by 1.045.

[Paragraph heading amended by Amendment 17, 8 F.R. 13707, effective 10-9-43, and Amendment 19]

(3) All miscellaneous berries set forth in § 1341.587 (a) (1).

State	Grade	Multiply maximum price by
California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Utah, Washington, Wisconsin and Wyoming	All	1.035

[Subparagraphs (2) and (3) added by Amendment 11, 8 F.R. 10725, 11247, effective 7-30-43 and amended by Amendment 15, 8 F.R. 11806, effective 8-24-43, Amendment 16, 8 F.R. 12791, effective 9-17-43, Amendment 18, 8 F.R. 14577, effective 10-25-43, and Amendment 19]

[§ 1341.586 added by Amendment 9, 8 F.R. 9291, effective 7-10-43]

(4) *Sauerkraut.*

State	Grade	Container	Multiply maximum price by
California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Utah, Washington, and Wisconsin	All	Tin or glass	1.025

[Subparagraph (4) added by Amendment 18, 8 F.R. 14577, effective 10-25-43]

§ 1341.587 Appendix E: Maximum prices for packed berries—(a) Miscellaneous packed berries covered in paragraph (a) are listed below and include the packed juices of such berries.

Blackberries.
Blueberries.
Boysenberries.
Cranberries.
Gooseberries.
Huckleberries.
Loganberries.
Raspberries, black and red.
Strawberries.
Youngberries.

[Subparagraph (1) as amended by Amendment 19, 8 F.R. 10619, effective 12-14-43]

(2) The processor's maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies of the items listed in subparagraph (1) shall be computed by the processor by adjusting his maximum price per dozen, f. o. b. factory, for the 1942 pack of the same variety, style, grade and container of the particular item as follows:

(i) Deduct the total 1942 raw berry cost per dozen containers as required to be computed under Maximum Price Regulation No. 185.

(ii) Add to the figure so obtained the 1943 raw berry cost per dozen containers obtained by dividing the weighted average of the prices per pound or other unit, paid or contracted to be paid by the processor to the grower for the same raw berries in 1943, based on not less than the first 75 percent of his purchases, by the dozen container yield per pound or other unit required to be used in computing the 1942 maximum price: *Provided*, That in no event shall the amount of the 1943 raw berry cost be in excess of the amount shown in the table below:

New berry	Maximum cost per pound
Blueberries, except wild berries grown in Maine, Massachusetts, New Hampshire, and Vermont.	1942 cost per pound as required to be computed under MPR 185 plus \$0.03 per pound (\$0.04 for strawberries)
Cranberries, Huckleberries and Strawberries.	

* 7 F.R. 5772, 5988, 7530, 8948, 10684, 11075;

<i>Raw berry—Continued.</i>	<i>Maximum cost per pound</i>
Blackberries	\$0.12
Blueberries, wild, grown in Maine, Massachusetts, New Hampshire and Vermont .....	.12
Boysenberries .....	.12
Gooseberries .....	.08
Loganberries .....	.12
Raspberries, black .....	.13
Raspberries, red .....	.15
Youngberries .....	.12

[Subparagraph (ii) amended by Amendment 15, 8 F.R. 11806, effective 8-24-43 and Amendment 20, effective 12-22-43]

(3) Any processor who established a maximum price for any variety, style, grade and container of his 1942 pack of any particular item listed in subparagraph (1) by the adoption of a competitor's maximum price, shall adopt the same competitor's maximum price for the 1943 pack of the same item.

(1) Where the same competitor does not pack such item in 1943, the processor shall establish his maximum price for such item by adopting his closest competitive seller's maximum price for the same variety, style, grade and container of the 1943 pack of the same item.

(4) Where the processor did not pack the same variety, style, grade and container of any particular item listed in subparagraph (1), in 1942, the maximum prices of his closest competitive seller for the same variety, style, grade and container of the 1943 pack of the same item shall be the processor's maximum price.

(5) In the event that a processor cannot establish his maximum price under the foregoing provisions of this regulation; he shall apply to the Office of Price Administration, Washington, D. C.,

for authorization of a maximum price, as provided in § 1341.563.

[Subparagraph (5) as amended by Amendment 19, 8 F.R. 10619, effective 12-14-43]

(6) The processor's maximum price per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be 95% of the maximum prices for sales other than to government procurement agencies as established under subparagraphs (2), (3) and (4).

[§ 1341.567 added by Amendment 13, 2 F.R. 10725, effective 7-30-43]

NOTE: All record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget, in accordance with Federal Reports Act of 1942.

Issued this 16th day of December, 1943.

CHESTER BOWLES,
Administrator.